

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:43 PM
To: WiniTom@concentric.net
Subject: Re: Firing of Jeff Schmidt

Dear Dr. Gilbert,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

D00902

>>> WiniTom <WiniTom@concentric.net> 08/25/01 08:57AM >>>

Dear Dr. Brodsky:

I have just read the email, sent on August 23, by Rahman, Reiter, and Lee. I have not heard the management side of the argument, and have no way of checking the accuracy and fairness of the charges, but they ring true and are sufficiently serious that this matter needs to be aired fully, with full disclosure and presentation of the arguments from both sides. If what the authors claim is even partly true, it is clear that changes in the attitude of those responsible for the policies and management of Physics Today, and possibly some of the management staff for their poor judgment and unacceptable actions, are needed. It appears to me that the AIP has become a typical bureaucracy that has lost the spirit and attitude of the physics community as I knew it when I first became a member in the 1940s. I regret this very much, and hope that the new generation of physicists can help recover it.

Sincerely,

Thomas L. Gilbert
Senior Physicist (retired)
Argonne National Laboratory.

D00903

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:44 PM
To: hjsimon@sev.org
Subject: Re: dismissal of Jeff Schmidt

Dear Dr. Simon,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

D00904

>>> "Henry Simon" <hjsimon@sev.org> 08/25/01 09:21AM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, Disciplined Minds, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

Dr. John Simon
Dept. of Physics & Astronomy
Univ. of Toledo
Toledo OH 43606

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PS Do not send reply to above e-mail address. I am using this server only for outgoing mail on a temporary basis.
Please continue to send me mail at hjs@physics.utoledo.edu

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D00905

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:46 PM
To: phantasmagorias@yahoo.com
Subject: Re: firing of Jeff Schmidt

Dear Mr. Davidson,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. The discharge was not politically motivated. I don not understand why you think so. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

D00906

August 31, 2001

>>> Debordagoria <phantasmagorias@yahoo.com> 08/25/01 10:08AM >>>

This politically-motivated firing was shameful, and I hope it gets your organization all the bad PR you so richly deserve.

Michael Davidson

Do You Yahoo!?

Make international calls for as low as \$.04/minute with Yahoo! Messenger <http://phonecard.yahoo.com/>

D00907

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:47 PM
To: wmei@mail.unomaha.edu
Subject: Re: Speech Right

Daer Dr. Mei,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

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Marc Brodsky
August 31, 2001

D00908

>>> <wmei@mail.unomaha.edu> 08/25/01 10:38AM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, Disciplined Minds, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

Wai-Ning Mei
Department of Physics
University of Nebraska
(ME187670)

D00909

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:49 PM
To: FOXDALEB27@aol.com
Subject: Re: Freedom of Speech

Dear Dr. Ward,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

D00910

>>> <FOXDALEB27@aol.com> 08/25/01 12:29PM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, Disciplined Minds, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely, Samuel Ward, Ph.D., AIP Member since 1947

(This letter expresses the views of the undersigned; affiliations are listed for identification only. Those of us whose names are marked with asterisks worked with Jeff directly, as he edited our articles for publication in Physics Today, and can attest that he does excellent, conscientious work.)

D00911

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:50 PM
To: nlwme@uno.edu
Subject: Re: Regarding the dismissal of Jeff Schmidt

Dear Dr. Whitley,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

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Marc Brodsky
August 31, 2001

>>> Norm Whitley <nlwme@uno.edu> 08/25/01 05:17PM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, Disciplined Minds, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,
Norm Whitley

--

Professor Norman L. Whitley
Department of Mechanical Engineering
University of New Orleans
New Orleans, LA 70148

e-mail: nwhitley@uno.edu
phone: (504) 280-7120
fax: (504) 280-5539

D00913

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:52 PM
To: niekiletta@hotmail.com
Subject: Re: Jeff Schmidt

Dear Ms. Woullard,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky
August 31, 2001

>>> "NiekiLetta Woullard" <niekiLetta@hotmail.com> 08/26/01 07:33AM >>>

Dear Mr. Brodsky:

If the termination of Mr. Schmidt was in fact due to the subject matter of his book and his activities to further the beliefs expressed therein, you have done the entire scientific community a great disservice. Even as undergraduate, I have encountered some of the problems Schmidt explores in *Disciplined Minds*. This situation brings to mind a statement made by Albert Einstein:

"Great spirits have always encountered violent opposition from mediocre minds."

It is unfortunate that such mediocre minds continue to suppress the spirit and creativity of physicists.

NiekiLetta Woullard

President, Society of Physics Students

University of Southern Mississippi

NiekiLetta U. Woullard

4044 George Busbee PKWY

Apartment 5305

Kennesaw, GA 30144-6894

Phone 770-424-5746

Fax 770-424-5747

Cell 770-377-9288

email:

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Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:55 PM
To: nick@fresnel.u-strasbg.fr
Cc: dweaire@tcd.ie
Subject: Re: Jeff Schmidt, staff editor of Phys. Today

Dear Dtr. Rivier,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

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Marc Brodsky
August 31, 2001

>>> Rivier Nicolas <nick@fresnel.u-strasbg.fr> 08/26/01 05:19PM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Marc,

This letter has been drafted by several concerned colleagues. I have added a few words, and have signed it.
"We" means my colleagues and I.

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As I understand it, you fired Jeff after you saw his book, *Disciplined Minds* (Rowman & Littlefield, 2000), and in particular after you learned that Jeff may have used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While I do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, I believe that free debate within the physics community is healthy and necessary. (It is easy to quote Voltaire again, but it is very much relevant here and now). We expect you to encourage it, not to stifle it. Your actions as head of the American Institute of Physics contribute to shape society's view of the physics community. We urge you to reconsider your decision, and agree to reinstate Jeff as an editor at Physics Today.

You should also get Physics Today to review *Disciplined Minds*, and to publish the review. Could you also publish this letter in Physics Today, in order to bring this matter (which concerns us all) to the attention of the Physics community?

With best personal regards,
Yours sincerely,

Nick Rivier
Professor of Physics,
Universite Louis Pasteur, Strasbourg, France Life member, APS Formerly at Argonne National Laboratory and at Imperial College, London.

ATTENTION: NEW PHONE AND FAX NUMBERS

Nicolas Rivier
LDfC
Universite Louis Pasteur

Institut de Physique
3, rue de l'Universite

F 67084 Strasbourg cedex

Tel (33) 3 90 24 06 51

Fax (33) 3 90 24 07 45 or (33) 3 90 24 06 69

e-mail: nick@ldfc.u-strasbg.fr

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:56 PM
To: cardona@kmr.mpi-stuttgart.mpg.de
Subject: Re: Physicist fired for writing book (fwd)

Dear Manuel,
Thanks for asking. My response is below.

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

D00920

August 31, 2001

>>> Manuel Cardona <cardona@kmr.mpi-stuttgart.mpg.de> 08/27/01 04:59AM

>>> >>>

Dear Marc: I got the letter below. I feel I do not know enough about the case to sign the petition but I find the case rather disturbing. I am sure you have another side to the story, maybe in circular letter form.

We hope that you and Vivian had a good Summer. We just spent two gorgeous weeks in New England.

As ever Manuel

Forwarded message:

> From SpeechRights@aol.com Thu Aug 23 14:16:39 2001

> From: Speech Rights <SpeechRights@aol.com>

> To: <cardona>

> X-Mailer: NetMailer v1.00 (<http://www.alphasoftware.com/netmailer>) [C.R-DCBB888F462F964DA7E]

> Subject: Physicist fired for writing book

> Mime-Version: 1.0

> Content-Type: text/plain; charset="us-ascii"

> Message-Id:

> <20010823121630.JEMP12665.femail32.sdc1.sfba.home.com@slower>

> Date: Thu, 23 Aug 2001 05:16:31 -0700

> X-Virus-Scanned: by AMaViS perl-10

>

> Dear fellow scientist,

D00921

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:03 PM
To: jae5@lehigh.edu
Subject: Re: Schmidt

Dear Dr. Eades,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

>>> Alwyn Eades <jae5@lehigh.edu> 08/27/01 08:23AM >>>

Dr. Brodsky,

I have received an email message from an organization called SppechRights regarding the firing of Jeff Schmidt. Have you or AIP issued a statement on this matter so that we may see the other side of the story?

Alwyn Eades

--

.....

Alwyn Eades

Department of Materials Science and Engineering Lehigh University

5 East Packer Avenue

Bethlehem

Pennsylvania 18015-3195

Phone 610 758 4231

Fax 610 758 4244

jae5@lehigh.edu

D00923

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:05 PM
To: ShihHS@ncsc.navy.mil
Subject: Re: Jeff Schmidt

Dear Dr. Shih,

In response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

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Marc Brodsky
August 31, 2001

D00924

>>> Shih Hansen S DLPC <ShihHS@ncsc.navy.mil> 08/27/01 09:11AM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As a physicist who has been proud of American Institute of Physics for its many visionary and responsible actions and achievements, I was troubled by your dismissal of Jeff Schmidt, as I just learned, who is such a deeply caring person, and of his courageous effort towards the improvement of the Education system (and the well-being of the profession/society as a whole).

I hope that people like him would be treasured, and welcomed to work within the system.

I urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

Thank you.

Sincerely,
Hansen Shih

D00925

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:05 PM
To: bhatia@lanl.gov
Subject: Re: On the dismissal of Jeff Schmidt from Physics Today

Dear Dr. Bhatia,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

>>> Tarlochan Bhatia <bhatia@lanl.gov> 08/27/01 10:41AM >>>

>To: Marc H. Brodsky
>Executive Director and CEO
>American Institute of Physics
>One Physics Ellipse
>College Park, Maryland 20740
>

>Dear Dr. Brodsky:

>
>I am troubled to learn of your dismissal of Jeff Schmidt, who, I
>understand, had been an articles editor at Physics Today magazine for
>over
>19 years.

>
>As I understand it, you fired Jeff after you saw his book, Disciplined
>Minds, and in particular after you learned that Jeff had used some of
>his spare time at the office for critical writing about education and
>employment in physics and other fields.

>
>While I do not necessarily agree with Jeff's views about the situation
>of physicists and other salaried professionals, and do not expect you
>to, I believe that free debate within the physics community is healthy.
>I expect you to encourage it, not stifle it, especially because
>physicists are known for speaking out when physicists internationally
>are punished for expressing their views. Your actions as head of the
>American Institute of Physics help to shape society's view of the
>physics community. I urge you to reconsider your decision, and offer
>to reinstate Jeff as an editor at Physics Today.

>
>Sincerely,

T. S. Bhatia
Los Alamos National Laboratory
Los Alamos, NM 87545.

=====

Dr. T. S. Bhatia
LANSCE-1
MS H817
505-665-0011
505-665-2904 (FAX)

D00927

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:07 PM
To: katz@wuphys.wustl.edu
Subject: Re: Physicist fired for writing book

Dear Dr. Katz,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

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"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

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Marc Brodsky
August 31, 2001

>>> <katz@wuphys.wustl.edu> 08/27/01 10:59AM >>>

I write in support of Jeff Schmidt, and to add my name as a signatory to the letter you have prepared. What an employee does on his own time, out of the office, is his own business. I do not wish to be part of an organization which interferes with this, and which intimidates or takes reprisals against employees because of how they choose to exercise their free press rights as citizens.

AIP suggests that Dr. Schmidt improperly used work time and facilities in the preparation of his book. I do not know the facts of this, but every desk worker occasionally uses his office telephone, computer and other facilities to engage in brief personal business such as making doctors'

appointments, calling spouses to say they must work late, sending and receiving occasional personal e-mail, etc. As long as this does not consume much time or interfere with the performance of essential duties, this is universally accepted as one of the conditions of the workplace.

Can Dr. Brodsky honestly say that he himself does not do this? Because AIP did not notice any work time Dr. Schmidt may have given to his book, it is fair to say it did not exceed the bounds of proper practice, and it is ethically (and probably legally) unjustified to punish him for it.

Jonathan Katz
Professor of Physics
Washington University
St. Louis, Mo. 63130
katz@wuphys.wustl.edu

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:08 PM
To: rjohnston@imsmaxims.com
Subject: Re: Firing of Jeff Schmidt

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

>>> "Roy Johnston" <rjohnston@imsmaxims.com> 08/27/01 01:10PM >>>

D00930

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:09 PM
To: vlad_vasko@hotmail.com
Subject: Re:

Dear Dr. Vas'ko,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky
August 31, 2001

D00932

>>> "Vladyslav Vas'ko" <vlad_vasko@hotmail.com> 08/27/01 01:31PM >>>

Marc H. Brodsky (via e-mail)
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

I am deeply troubled to learn of your dismissal of Jeff Schmidt for writing a book. This is ridiculous, even though you might happen to be legally right! Fortunately, books live longer than most laws anyway.

Sincerely,

Vlad Vas'ko
Ph.D. in Physics, APS member
2329 S 9th St, #207
Minneapolis, MN 55406

Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>

D00933

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:10 PM
To: David.Maker@tbe.com
Subject: Re: Hi

Dear Dr. Maker,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky
August 31, 2001

D00934

>>> "Maker, David" <David.Maker@tbe.com> 08/27/01 01:56PM >>>

Hi Dr.Brodsky,

I would like to add my name of endorsement to the petition challenging the firing of Jeff Schmidt. Fundamental physics has nothing to crow about these days. Advances in particle theory have been tepid at best since the 1970s and most of this is due of course to the professional atmosphere that Jeff Schmidt apparently was critical of. This man is trying to help the field of physics more than anyone else and is being punished for it.

Given that these particle physics theories are full of free parameters, many assumptions(group structures and such)one realizes that some fundamentally new approaches are needed. But in the present atmosphere of professional arrogance in the physics community one observes easily that such approaches will never see the light of day.

Example: gauge theories. A gauge theory is really an acknowledgment that you don't know the system very well. In the case of gauged General Relativity you can arbitrarily add 4 more equations to the system such as the harmonic coordinate conditions. And nobody bats an eye. But what if the harmonic coordinate conditions are physical, such as those associated with lepton zitterbewegung oscillation, then the gauge goes away and a lot of interesting physics results. But this kind of challenge to gauge theories would be stopped by the Brodsky's of the physics community with no reason given.

except perhaps that it is too great of a step. Taking the arbitrariness out of physics is too great of a step heh?

I can name other situations where can you can straighten out the gobbleygook but the present atmosphere won't allow it. The hard wired remain so.

Good luck to Jeff Schmidt for making the attempt.

Sincerely,

Dr. David Maker

TBE

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 01, 2001 1:12 PM
To: hwalker@gvtc.com
Subject: Re: Schmidt Issue

Dear Dr. Walker,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

>>> Hugh Walker <hwalker@gvtc.com> 08/27/01 02:14PM >>>

I have read with some interest the unsolicited email I have received urging my participation in a campaign intended to reverse your decision terminating Mr. Schmidt's employment.

I have no information about this case other than that contained in the irresponsible message I received. However, my experience suggests that instances such as this usually have more sides than one to be considered. For me to argue that you should reverse your decision, would be no less irresponsible than the actions of those originating the message I received.

I do urge you that you exercise your professional responsibility and the authority due you as Executive Director of AIP to close the Schmidt case expeditiously with judicious consideration of the relevant facts including all process due Mr. Schmidt under AIP's established policies. I also urge no more weight be given to the suggestions presented in the message than to mine.

Please know I am a 40+ year member of AIP and an avid reader of Physics Today. I am a former member of the physics faculty and officer of administration at the University of Houston.

==

Hugh Walker
Gnarly Oaks

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 2:35 PM
To: gai@uconnvm.uconn.edu
Subject: Re: Physicist fired for writing book

Dear Dr. Gai,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is, I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Moshe Gai <gai@uconnvm.uconn.edu> 09/01/01 07:21PM >>>

D00938

Please add my name to the letter protesting the dismissal of Jeff Schmidt from "Physics Today". I would protest such a behavior in any society and most certainly in what I consider to be our exemplary and august Institute of American Physicists.

Moshe Gai
Fellow, American Physical Society
Professor of Physics
University of Connecticut

p.s. By Carbon copying my colleagues at the Physics Department at UConn, as well as a larger discussion list at the University of Connecticut, I am informing colleagues and students of this troubling action by the American Institute of Physics, and I encourage all to study the case and voice their opinion.

>Dear fellow scientist,

>

>As you may have heard, Physics Today magazine recently gave a very
>punishing review to a book written by physicist Jeff Schmidt: The
>magazine fired him.

>

>Jeff was a staff editor at Physics Today for 19 years -- until his
>supervisors saw Disciplined Minds (Rowman & Littlefield, 2000), a
>thought-provoking critique of workplace hierarchy and the politically
>subordinate role of salaried professionals. The book uses physicists
>and physics graduate school to help illustrate points about
>professionals and professional training in general.

>

>Within days of learning about his irreverent book, the higher-ups at
>Physics Today dismissed Jeff summarily, apparently using the book as an
>opportunity to retaliate against him for his workplace activism and to
>ignore his widely praised work for the magazine. Details of Jeff's
>firing are given in the statement below, and can also be found on the
>Web at <http://disciplined-minds.com>

>

>Please join us in protesting Jeff's dismissal, by adding your name to
>the letter below. We will send the letter to Marc H. Brodsky,
>Executive Director and CEO of the American Institute of Physics, which
>publishes Physics Today, and we will also post it on the Web.

>

>To add your name to the letter, please send an e-mail message to
>SpeechRights@aol.com. Include your name and an affiliation, such as
>your department and institution. Please ask others to add their names, too.

>

>You can also write directly to Marc Brodsky, at brodsky@aip.org. If
>you do, please send a copy of your letter to SpeechRights@aol.com so
>that it can be posted on the Web. We may send you updates on this
>issue (if you prefer not to receive them, just let us know).

>

>Your support will make a big difference.

D00939

>

>Sincerely,

>

>Talat Rahman

>Fellow of the American Physical Society University Distinguished

>Professor Department of Physics Kansas State University

>

>George F. Reiter

>Professor of Physics

>University of Houston

>

>Michael A. Lee

>Professor of Physics

>Kent State University

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>

>Background info about Jeff Schmidt and Disciplined Minds

>

>By Chris Mohr and Jean Kumagai

>Former Physics Today staff members

>

>In Disciplined Minds, Jeff Schmidt challenges professionals to view

>their role in society in a new and unsettling way. He argues that

>professional work has both technical and political components, and that

>salaried professionals are expected to be technically creative but

>politically subordinate. In particular, they are expected to work

>creatively to further their employers' world view rather than their

>own. Such subordination does not occur without a fight, the book

>maintains, and so the workplace becomes a battleground for the very

>identity of the individual, as does graduate school, where

>professionals are trained.

>

>Jeff has a PhD in physics from the University of California, Irvine,

>and he draws many of his examples from the predicament of employed

>physicists and physics graduate students. (In one chapter, he examines

>the physics PhD qualifying examination and shows how the seemingly

>value-neutral test identifies candidates who have the "right attitude"

>about their work.) His book details the battle one must fight to be an

>independent thinker and to advance one's own social vision in today's

>corporate society.

> It offers advice on how to make employment more than an exercise in

>knowing your place, and how to make graduate school more than an

>abusive "intellectual bootcamp" that breaks the individual in to

>playing a conventional role. You can avoid the cynicism and

>intellectual timidity that afflicts so many professional employees, he

>says, but doing so is not easy, and he discusses how it can be done.

>

>While at Physics Today, Jeff played the most prominent role in staff

>efforts to improve working conditions, increase staff participation in

D00940

>decision-making, and broaden the range of viewpoints allowed in the
>magazine. He also led an effort to force Physics Today to live up to
>its advertised claim of being an affirmative-action employer, noting
>that the magazine was hiring and training only whites as editors, a
>pattern that eventually left the magazine with an all-white staff of 16
>professionals and a non-white secretarial staff of 3.

>
>In firing Jeff, the managers at Physics Today cited a statement, at the
>beginning of Disciplined Minds, that he had done some work on the book
>in his office. Such use of time constitutes "misconduct," they said.
>But to those familiar with the Physics Today workplace, this charge
>looks more like a pretext to get rid of someone who was persistently
>pressing for changes in workplace policies.
>Indeed, the fact that the magazine's managers dismissed Jeff after so
>many years of service not only without a hearing, but also without
>asking him a single question about his work on the book, suggests that
>they were looking for an opportunity to remove him.

>
>By the time Disciplined Minds was published, Physics Today's managers
>had already tried unsuccessfully to silence Jeff with repressive
>measures just short of dismissal. At one point, for example, they put
>gag orders on Jeff and another outspoken staff editor, warning that
>they would be fired if they said anything "counterproductive." These
>orders were eventually lifted due to pressure from coworkers. Perhaps
>even more incredibly, Physics Today also banned private conversations
>in the workplace, announcing that all conversations between staff
>members must be open to monitoring by managers. In light of this
>history, Physics Today's response to Disciplined Minds is less
>surprising.

>
>The managers at Physics Today apparently thought the book would look so
>provocative to others that no one would object if they fired Jeff.
>They were wrong. To date, there have been many protests: by sixteen
>former Physics Today staff members (including us), by the National
>Writers Union, and by 160 scholars, writers and educators in a wide
>range of fields. Even the State of Maryland, after an unemployment
>benefits hearing, rejected AIP's charge that Jeff's work on the book at
>the office constituted misconduct, finding that Physics Today fired
>Jeff without evidence that his spare-time writing interfered with his
>work for the magazine. (During the years that Jeff was writing
>Disciplined Minds, Physics Today gave him two promotions and 19 salary
>increases based explicitly on the quantity and quality of his work for
>the
>magazine.) Details of the state investigation are posted on the Web at
><http://disciplined-minds.com>, along with the protest letters, reports
>in the press and reviews of the book.

>
>Jeff recently took his case to one of the ten largest law firms in
>Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt
>that Physics Today's actions, if left unchallenged, would set a bad

>precedent for employees everywhere. They waived their fees and will do
>what they can to bring legal challenges against Physics Today's
>repressive behavior, simply for the public good. Physics Today has
>hired what union activists and labor lawyers call the most notorious
>union-busting law firm in the country (Jackson, Lewis, Schnitzler &
>Krupman) to deal with any legal challenges in this case. That's
>revealing, but it doesn't mean that the law is a likely source of
>justice for Jeff. The law generally favors employers, and so Jeff's
>best chance for justice is support from the physics community.

>

>Please consider adding your name to the letter below or writing your
>own letter. You can also spread the word by telling your friends and
>colleagues about Jeff's case, by linking your Web site to
><http://disciplined-minds.com> and, if you are an instructor, by
>informing your students about Jeff's situation.

>

>You can contact Jeff at...

>

>Jeff Schmidt
>3003 Van Ness Street NW #W406
>Washington, DC 20008
>jeffschmidt@alumni.uci.edu
>202-537-3645

>

>(The above is based on information from Jeff and other former Physics
>Today employees, and on relevant documents. You can contact us at
>christophermohr@hotmail.com and jean_kumagai@hotmail.com)

>

>-----

>

>The letter...

>

>To: Marc H. Brodsky
>Executive Director and CEO
>American Institute of Physics
>One Physics Ellipse
>College Park, Maryland 20740

>

>Dear Dr. Brodsky:

>

>As physicists and other scientists concerned about freedom of
>expression in the science community, we were troubled to learn of your
>dismissal of Jeff Schmidt, who had been an articles editor at Physics
>Today magazine for over 19 years.

>

>As we understand it, you fired Jeff after you saw his book, Disciplined
>Minds, and in particular after you learned that Jeff had used some of
>his spare time at the office for critical writing about education and
>employment in physics and other fields.

>

D00942

>While we do not necessarily agree with Jeff's views about the situation
>of physicists and other salaried professionals, and do not expect you
>to, we believe that free debate within the physics community is
>healthy. We expect you to encourage it, not stifle it, especially
>because physicists are known for speaking out when physicists
>internationally are punished for expressing their views. Your actions
>as head of the American Institute of Physics help to shape society's
>view of the physics community.
>We urge you to reconsider your decision, and offer to reinstate Jeff as
>an editor at Physics Today.

>

>We ask that you publish this letter in Physics Today, to bring our
>concerns to the attention of the wider physics community.

>

>Sincerely,

>

>(This letter expresses the views of the undersigned; affiliations are
>listed for identification only. Those of us whose names are marked
>with asterisks worked with Jeff directly, as he edited our articles for
>publication in Physics Today, and can attest that he does excellent,
>conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 2:48 PM
To: pnoerdli@ix.netcom.com
Subject: Re: Re: Physicist fired for writing book

Dear Dr. Noedlinger,

Once some brings legal action against AIP, we have no choice but to defend ourselves or pay the penalties the court assesses.

AIP has not started any of the legal actions involving Mr. Schmidt.

In the State of Maryland unemployment case, AIP did not offer any defense. We decided not to try to prevent Mr. Schmidt from collecting unemployment benefits. No one from AIP appeared, no one testified, no one offered a defense.

You seem not to have commented on the NLRB ruling. It was clear from the NLRB ruling that Mr. Schmidt was not discharged for being a whistle-blower.

You do not pay dues directly to AIP, but to whichever member society you belong to. Each society gave AIP \$4.61 this year for each of its members, of which \$2.61 went to Physics Today.

You may request from your member society that your name be taken off the PT subscriber list if you wish.

Marc Brodsky

>>> "Peter D. Noerdlinger" <pnoerdli@ix.netcom.com> 09/01/01 04:02PM >>>

Mr. Brodsky,

I was interested to hear from you.

But how much are you paying to Jackson, Lewis, Schnitzler & Krupman? And what about the Maryland unemployment board's finding, to quote:

"Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that Physics Today fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. "

I still do not approve of your actions and I do not want my dues or subscription costs to go to a lawsuit of this kind.

The main problem is not just Mr. Schmidt (though it might be misuse of AIP funds and resources, e.g. for Mssrs. Jackson, Lewis, Schnitzler & Krupman.) It is that pressure and fear assail the ability of whistle-blowers to "blow the whistle." I have seen this and been through this. It is chilling to the workplace.

I insist that you cease payments to Jackson, Lewis, Schnitzler & Krupman forthwith.

Peter D. Noerdlinger

-----Original Message-----

From: Marc Brodsky <brodsky@aip.org>
To: pdnoerd@ix.netcom.com <pdnoerd@ix.netcom.com>
Date: Saturday, September 01, 2001 12:13 PM
Subject: Fwd: Re: Physicist fired for writing book

D00944

Dear Dr. Noerdlinger,

I agree Schmidt has a right to publish.

AIP, I believe, has a right to reasonable expectations that employees do not steal or say they are stealing from the organization. Also see below, Marc Brodsky

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

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Marc Brodsky
August 31, 2001

>>> <pdnoerd@ix.netcom.com> 08/24/01 06:49PM >>>

My Dear Mr. Brodsky,

I see I omitted you as recipient on this mail and I now make up for the omission.

Also for "the society" please read "the institute" or "The American Physical Society."

pdn

pdnoerd@ix.netcom.com wrote:

> My dear Mr. Brodsky:

I most strongly object to your spending my dues to pay Jackson, Lewis, Schnitzler & Krupman to pursue your defense of a lawsuit. I expect my dues to go towards furthering the future of physics and the dissemination of knowledge about physicists and physics, and to enhance their intercommunication. If you persist in mis-spending from the APS budget you may face more lawsuits on that - I'd be glad to join one.

I also object to any racial/ethnic imbalance in your office(s) and urge you to remedy such if any.

Your actions appear to have, with little pretext, damaged Mr. Jeff Schmidt .

If it goes any farther you will damage the reputation of physicists and perhaps of physics. You may not be old enough to remember the Velikovsky affair. I do. You may see some of the correspondence at:

<http://www.varchive.org/cor/1950.htm>

The key entry is perhaps this one:

<http://www.varchive.org/cor/affair/500118shamac.htm>

wherein Shapley tried to prevent Macmillan from publishing Velikovsky's work. Correct or wrong, Mr. Schmidt has a right to publish!

Dr. Shapley not only failed to suppress Velikovsky's work (which I of course regard as preposterous, but, nevertheless, not to be suppressed) but added to the publicity for it! Worlds in Collision, Ages in Chaos, and the world of science - physics and astronomy - made to look like a sort of cosmic Mafia by suppressing something that would eventually fall of its own weight anyway! Ages in Chaos became Scientists in Chaos.

The press will surely pick up on this Schmidt item if you do not yield soon; it may already be too late.

You are making bumblings of yourself, of Physics Today, and, by implication, your society membership by your actions.

Yours truly,

Peter D. Noerdlinger

Fellow, APS

Senior Scientist, Raytheon Corp.

(affiliation listed for identification purposes only)

SpeechRights@aol.com wrote:

> Dear fellow scientist,

As you may have heard, Physics Today magazine recently gave a very punishing review to a book written by physicist Jeff Schmidt: The magazine fired him.

Jeff was a staff editor at Physics Today for 19 years -- until his supervisors saw *Disciplined Minds* (Rowman & Littlefield, 2000), a thought-provoking critique of workplace hierarchy and the politically subordinate role of salaried professionals. The book uses physicists and physics graduate school to help illustrate points about professionals and professional training in general.

Within days of learning about his irreverent book, the higher-ups at Physics Today dismissed Jeff summarily, apparently using the book as an opportunity to retaliate against him for his workplace activism and to ignore his widely praised work for the magazine. Details of Jeff's firing are given in the statement below, and can also be found on the Web at <http://disciplined-minds.com>

Please join us in protesting Jeff's dismissal, by adding your name to the letter below. We will send the letter to Marc H. Brodsky, Executive Director and CEO of the American Institute of Physics, which publishes Physics Today, and we will also post it on the Web.

To add your name to the letter, please send an e-mail message to SpeechRights@aol.com. Include your name and an affiliation, such as your department and institution. Please ask others to add their names, too.

You can also write directly to Marc Brodsky, at brodsky@aip.org. If you do, please send a copy of your letter to SpeechRights@aol.com so that it can be posted on the Web. We may send you updates on this issue (if you prefer not to receive them, just let us know).

Your support will make a big difference.

Sincerely,

Talat Rahman
Fellow of the American Physical Society
University Distinguished Professor
Department of Physics
Kansas State University

George F. Reiter
Professor of Physics
University of Houston

Michael A. Lee
Professor of Physics
Kent State University

Background info about Jeff Schmidt and *Disciplined Minds*

By Chris Mohr and Jean Kumagai
Former Physics Today staff members

In *Disciplined Minds*, Jeff Schmidt challenges professionals to view their role in society in a new and unsettling way. He argues that professional work has both technical and political components, and that salaried professionals are expected to be technically creative but politically subordinate. In particular, they are expected to work creatively to further their employers' world view rather than their own. Such subordination does not occur without a fight, the book maintains, and so the workplace becomes a battleground for the very identity of the individual, as does graduate school, where professionals are trained.

Jeff has a PhD in physics from the University of California, Irvine, and he draws many of his examples from the predicament of employed physicists and physics graduate students. (In one chapter, he examines the physics PhD qualifying examination and shows how the seemingly value-neutral test identifies candidates who have the "right attitude" about their work.) His book details the battle one must fight to be an independent thinker and to advance one's own social vision in today's corporate society. It offers advice on how to make employment more than an exercise in knowing your place, and how to make graduate school more than an abusive "intellectual bootcamp" that breaks the individual in to playing a conventional role. You can avoid the cynicism and intellectual timidity that afflicts so many professional employees, he says, but doing so is not easy, and he discusses how it can be done.

While at *Physics Today*, Jeff played the most prominent role in staff efforts to improve working conditions, increase staff participation in decision-making, and broaden the range of viewpoints allowed in the magazine. He also led an effort to force *Physics Today* to live up to its advertised claim of being an affirmative-action employer, noting that the magazine was hiring and training only whites as editors, a pattern that eventually left the magazine with an all-white staff of 16 professionals and a non-white secretarial staff of 3.

In firing Jeff, the managers at *Physics Today* cited a statement, at the beginning of *Disciplined Minds*, that he had done some work on the book in his office. Such use of time constitutes "misconduct," they said. But to those familiar with the *Physics Today* workplace, this charge looks more like a pretext to get rid of someone who was persistently pressing for changes in workplace policies. Indeed, the fact that the magazine's managers dismissed Jeff after so many years of service not only without a hearing, but also without asking him a single question about his work on the book, suggests that they were looking for an opportunity to remove him.

By the time *Disciplined Minds* was published, *Physics Today*'s managers had already tried unsuccessfully to silence Jeff with repressive measures just short of dismissal. At one point, for example, they put gag orders on Jeff and another outspoken staff editor, warning that they would be fired if they said anything "counterproductive." These orders were eventually lifted due to pressure from coworkers. Perhaps even more incredibly, *Physics Today* also banned private conversations in the workplace, announcing that all conversations between staff members must be open to monitoring by managers.

In light of this history, *Physics Today*'s response to *Disciplined Minds* is less surprising.

The managers at *Physics Today* apparently thought the book would look so provocative to others that no one would object if they fired Jeff. They were wrong. To date, there have been many protests: by sixteen former *Physics Today* staff members (including us), by the National Writers Union, and by 160 scholars, writers and educators in a wide range of fields. Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that *Physics Today* fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. (During the years that Jeff was writing *Disciplined Minds*, *Physics Today* gave him two promotions and 19 salary increases based explicitly on the quantity and quality of his work for the magazine.) Details of the state investigation are posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and !

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reviews of the book.

Jeff recently took his case to one of the ten largest law firms in Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt that Physics Today's actions, if left unchallenged, would set a bad precedent for employees everywhere. They waived their fees and will do what they can to bring legal challenges against Physics Today's repressive behavior, simply for the public good. Physics Today has hired what union activists and labor lawyers call the most notorious union-busting law firm in the country (Jackson, Lewis, Schnitzler & Krupman) to deal with any legal challenges in this case. That's revealing, but it doesn't mean that the law is a likely source of justice for Jeff. The law generally favors employers, and so Jeff's best chance for justice is support from the physics community.

Please consider adding your name to the letter below or writing your own letter. You can also spread the word by telling your friends and colleagues about Jeff's case, by linking your Web site to <http://disciplined-minds.com> and, if you are an instructor, by informing your students about Jeff's situation.

You can contact Jeff at...

Jeff Schmidt
3003 Van Ness Street NW #W406
Washington, DC 20008
jeffschmidt@alumni.uci.edu
202-537-3645

(The above is based on information from Jeff and other former Physics Today employees, and on relevant documents. You can contact us at christophermohr@hotmail.com and jean_kumagai@hotmail.com)

The letter...

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, *Disciplined Minds*, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We

expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

(This letter expresses the views of the undersigned; affiliations are listed for identification only. Those of us whose names are marked with asterisks worked with Jeff directly, as he edited our articles for publication in Physics Today, and can attest that he does excellent, conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 2:57 PM
To: ffreund@mail.arc.nasa.gov
Subject: Re: Physics Today editorial staff member fired for writingbook

Dear Dr. Freund,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Friedemann Freund <ffreund@mail.arc.nasa.gov> 08/24/01 03:51PM >>>

Dr. Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

I am an avid reader of Physics Today. Many of the articles are challenging in their ways. I vividly remember, for instance, the article not long ago by a Polish nuclear physicist on the worldwide politics behind radiation health concerns. As I read it, my esteem for Physics Today and its responsible editorial staff moved up a big notch. Bringing this article certainly took courage. True to the APS tradition, I thought, it was meant to initiate a much-needed public discussion about a hot topic.

Now I have learned about Jeff Schmidt's book "Disciplined Minds" and I learned that Jeff Schmidt has been fired from his editorial position at Physics Today. After having researched what is available on the net my esteem for those at One Physics Ellipse who decided to reprimand Jeff Schmidt in this way has taken a deep dive.

I gave up 14 years ago a tenured professorship in Germany to pursue my dream of working in the USA in an intellectually open, highly interdisciplinary area, where physics, chemistry, geology, and biology intersect. My dream has long been shattered by reality. Being on soft money, I have experienced first-hand what it means to be at the mercy of

(1) anonymous reviewers who more often than not lack the competence, or fairness, that they claim to possess, (2) program managers who wield their power over the purse and often have circles of good ol' friends, and (3) local NASA administrators for whom we are "contractors" and who think of us as second-rate citizens - with dire consequences for those of us who don't easily "obey".

I think I understand what Jeff Schmidt is trying to convey to the readers of his book. I understand his drive for freedom from intellectual bondage.

I value his sensitivity to the broader aspects of an eminently societal

question: How does America, the "country of the free", treat those who work in the state of dependency.

It's a shame that you at APS seem unable to get along with an independent-minded but otherwise (so I hear) impeccable member of the Physics Today editorial staff.

Friedemann Freund
Adjunct Professor of Physics
San Jose State University

SETI Institute/NASA Ames Research Center MS 239-20 MOFFETT FIELD, CA 94035-1000 Tel. 650 604-5183
Fax 650 604-0092 e-mail ffreund@mail.arc.nasa.gov

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 2:58 PM
To: mws@cmu.edu
Subject: Re: Physicist fired for writing book

Dear Dr. Siegel,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

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"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Mel Siegel <mws@cmu.edu> 08/27/01 05:30PM >>>

Colleagues -- This certainly seems to be a horrendous injustice, and your fight seems worthy of support. But I'd like to hear both sides before coming down strongly on one side. Has Brodsky or anyone else on the other side published another perspective? -- Mel

----- Original Message -----

From: Speech Rights <SpeechRights@aol.com>

To: <mws+@cmu.edu>

Sent: Monday, August 27, 2001 5:02 PM

Subject: Physicist fired for writing book

> Dear fellow scientist,

>

> As you may have heard, Physics Today magazine recently gave a very punishing review to a book written by physicist Jeff Schmidt: The magazine fired him.

>

> Jeff was a staff editor at Physics Today for 19 years -- until his supervisors saw *Disciplined Minds* (Rowman & Littlefield, 2000), a thought-provoking critique of workplace hierarchy and the politically subordinate role of salaried professionals. The book uses physicists and physics graduate school to help illustrate points about professionals and professional training in general.

>

> Within days of learning about his irreverent book, the higher-ups at Physics Today dismissed Jeff summarily, apparently using the book as an opportunity to retaliate against him for his workplace activism and to ignore his widely praised work for the magazine. Details of Jeff's firing are given in the statement below, and can also be found on the Web at <http://disciplined-minds.com>

>

> Please join us in protesting Jeff's dismissal, by adding your name to the

letter below. We will send the letter to Marc H. Brodsky, Executive Director and CEO of the American Institute of Physics, which publishes Physics Today, and we will also post it on the Web.

>

> To add your name to the letter, please send an e-mail message to SpeechRights@aol.com. Include your name and an affiliation, such as your department and institution. Please ask others to add their names, too.

>

> You can also write directly to Marc Brodsky, at brodsky@aip.org. If

> you do, please send a copy of your letter to SpeechRights@aol.com so that it can be posted on the Web. We may send you updates on this issue (if you prefer not to receive them, just let us know).

>

> Your support will make a big difference.

>

> Sincerely,

>

> Talat Rahman

> Fellow of the American Physical Society University Distinguished

> Professor Department of Physics Kansas State University

>

> George F. Reiter

> Professor of Physics

> University of Houston

>

> Michael A. Lee

> Professor of Physics

> Kent State University

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>

> Background info about Jeff Schmidt and Disciplined Minds

>

> By Chris Mohr and Jean Kumagai

> Former Physics Today staff members

>

> In Disciplined Minds, Jeff Schmidt challenges professionals to view

> their

role in society in a new and unsettling way. He argues that professional work has both technical and political components, and that salaried professionals are expected to be technically creative but politically subordinate. In particular, they are expected to work creatively to further their employers' world view rather than their own. Such subordination does not occur without a fight, the book maintains, and so the workplace becomes a battleground for the very identity of the individual, as does graduate school, where professionals are trained.

>

> Jeff has a PhD in physics from the University of California, Irvine,

> and

he draws many of his examples from the predicament of employed physicists and physics graduate students. (In one chapter, he examines the physics PhD qualifying examination and shows how the seemingly value-neutral test identifies candidates who have the "right attitude" about their work.) His book details the battle one must fight to be an independent thinker and to advance one's own social vision in today's corporate society. It offers advice on how to make employment more than an exercise in knowing your place, and how to make graduate school more than an abusive "intellectual bootcamp" that breaks the individual in to playing a conventional role. You can avoid the cynicism and intellectual timidity that afflicts so many professional employees, he says, but doing so is not easy, and he discusses how it can be done.

>

> While at Physics Today, Jeff played the most prominent role in staff

efforts to improve working conditions, increase staff participation in decision-making, and broaden the range of viewpoints allowed in the magazine. He also led an effort to force Physics Today to live up to its advertised claim of being an affirmative-action employer, noting that the magazine was hiring and training only whites as editors, a pattern that eventually left the magazine with an all-white staff of 16 professionals and a non-white secretarial staff of 3.

>

> In firing Jeff, the managers at Physics Today cited a statement, at

> the

beginning of Disciplined Minds, that he had done some work on the book in his office. Such use of time constitutes "misconduct," they said. But to those familiar with the Physics Today workplace, this charge looks more like a pretext to get rid of someone who was persistently pressing for changes in workplace policies. Indeed, the fact that the magazine's managers dismissed Jeff after so many years of service not only without a hearing, but also without asking him a single question about his work on the book, suggests that they were looking for an opportunity to remove him.

>

> By the time Disciplined Minds was published, Physics Today's managers

> had

already tried unsuccessfully to silence Jeff with repressive measures just short of dismissal. At one point, for example, they put gag orders on Jeff and another outspoken staff editor, warning that they would be fired if they said anything "counterproductive." These orders were eventually lifted due to pressure from coworkers. Perhaps even more incredibly, Physics Today also banned private conversations in the workplace, announcing that all conversations between staff members must be open to monitoring by managers. In light of this history, Physics Today's response to Disciplined Minds is less surprising.

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> The managers at Physics Today apparently thought the book would look

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provocative to others that no one would object if they fired Jeff. They were wrong. To date, there have been many protests: by sixteen former Physics Today staff members (including us), by the National Writers Union, and by 160 scholars, writers and educators in a wide range of fields. Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that Physics Today fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. (During the years that Jeff was writing Disciplined Minds, Physics Today gave him two promotions and 19 salary increases based explicitly on the quantity and quality of his work for the magazine.) Details of the state investigation are posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and

> d reviews of the book.

>
> Jeff recently took his case to one of the ten largest law firms in Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt that Physics Today's actions, if left unchallenged, would set a bad precedent for employees everywhere. They waived their fees and will do what they can to bring legal challenges against Physics Today's repressive behavior, simply for the public good. Physics Today has hired what union activists and labor lawyers call the most notorious union-busting law firm in the country (Jackson, Lewis, Schnitzler & Krupman) to deal with any legal challenges in this case. That's revealing, but it doesn't mean that the law is a likely source of justice for Jeff. The law generally favors employers, and so Jeff's best chance for justice is support from the physics community.

>
> Please consider adding your name to the letter below or writing your

> own
letter. You can also spread the word by telling your friends and colleagues about Jeff's case, by linking your Web site to <http://disciplined-minds.com> and, if you are an instructor, by informing your students about Jeff's situation.

>
> You can contact Jeff at...

>
> Jeff Schmidt
> 3003 Van Ness Street NW #W406
> Washington, DC 20008
> jeffschmidt@alumni.uci.edu
> 202-537-3645

>
> (The above is based on information from Jeff and other former Physics Today employees, and on relevant documents. You can contact us at christophermohr@hotmail.com and jean_kumagai@hotmail.com)

>
> -----

>
> The letter...

>

> To: Marc H. Brodsky
> Executive Director and CEO
> American Institute of Physics
> One Physics Ellipse
> College Park, Maryland 20740

> Dear Dr. Brodsky:

> As physicists and other scientists concerned about freedom of
> expression

in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

> As we understand it, you fired Jeff after you saw his book,
> Disciplined

Minds, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

> While we do not necessarily agree with Jeff's views about the
> situation of

physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

> We ask that you publish this letter in Physics Today, to bring our
concerns to the attention of the wider physics community.

> Sincerely,

> (This letter expresses the views of the undersigned; affiliations are
listed for identification only. Those of us whose names are marked with asterisks worked with Jeff directly, as he edited our articles for publication in Physics Today, and can attest that he does excellent, conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 2:59 PM
To: hkurthen@notes.cc.sunysb.edu
Subject: Re: Dismissal of Jeff Schmidt from Physics Today

Dear Dr. Kurthen,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Hermann Kurthen <hkurthen@notes.cc.sunysb.edu> 08/27/01 06:03PM >>>

D00958

Dear Dr. Brodsky:

As an immigrant sociologist from Germany and co-editor of "International Sociology," the flagship journal of the International Sociological Association (ISA), I am concerned about freedom of expression in the scientific community.

I am really troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As I understand it, you fired Jeff after you saw his book, *Disciplined Minds*, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While I do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, I believe that free debate within the physics community is healthy. I expect you to encourage it, not stifle it, especially because physicists

are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. I urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

I am asking you to bring my and other colleagues concerns to the attention of the wider physics community and Physics Today.

Sincerely,

Dr. Hermann Kurthen

Assistant Professor in the Dept. of Sociology Co-Editor International Sociology Director of the Federated Learning Community Program State University of New York at Stony Brook Stony Brook, NY 11794-4356
ph: (632) 632-7717, fax: (631) 632-8203

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:00 PM
To: moran1@llnl.gov
Subject: Re: Legal Expense

Daer Dr. Moran,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

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Marc Brodsky

>>> Bill Moran <moran1@llnl.gov> 08/27/01 08:06PM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

At a time when subscriptions to physics journals are declining, I find it ill advised to waist any portion of the American Institute of Physics budget on legal expenses to justify the firing of Jeff Schmidt. I urge you to reconsider the issue.

--

Bill Moran | E-mail: moran1@llnl.gov
Lawrence Livermore Nat'l Laboratory | Phone: (925) 422-7250
P.O. Box 808 - Mail Stop L-096 | FAX: (925) 424-2723
Livermore, CA 94550 | Location: B132N, Room 2221

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:01 PM
To: dnjj@excite.com
Subject: Re: jeff schmidt's termination

Dear Dr. Jackson,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Douglas Jackson <dnjj@excite.com> 08/27/01 09:45PM >>>

Dr. Brodsky:

You have done a disservice to the freedom of expression of ideas and have tarnished the reputation of Physics Today by dismissing Jeff Schmidt for reasons unrelated to his job performance, particularly in light of his expression of reasoned political opinions in a forum different from Physics Today.

I hope that you will reconsider your action, or, if you do not, that a movement will develop to boycott Physics Today among professionals, the public, and libraries.

Douglas N. Jackson
Department of Psychology
The University of Western Ontario
London, Canada

Send a cool gift with your E-Card
<http://www.bluemountain.com/giftcenter/>

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:02 PM
To: sherri@boone.net
Subject: Re: Jeff Schmidt

Dear Mr. Davis,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

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Marc Brodsky

>>> "Sherri and Stephen" <sherri@boone.net> 08/27/01 11:19PM >>>

D00964

Mr. Brodski,

I am a graduate student in applied physics I am appalled at the AIP's action against Mr. Schmidt. As a physicist I pride myself in being in a profession that by it's very nature praises new view points and ideas regardless of how I feel about them personally. This includes scientific as well as social dogma. I have always held the AIP and the Physics Today in particular in the highest regard and fairly immune to this type of nonsense. As the number of Physics undergraduate and graduate students continue to decline, the AIP will, in the future, become increasingly dependent upon the support of a shrinking and younger force of professional physicists. I think I can speak for this group of young physicists in saying that we have little tolerance for this type of censorship. As for myself my confidence in Physics Today has been greatly diminished and without a reasonable explanation I think that in the future I will decline to subscribe and I will encourage my colleagues to do the same. This is truly unscientific behavior.

Stephen A. Davis
Graduate Student in Applied Physics
Appalachian State University

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:03 PM
To: 101556.1577@compuserve.com
Subject: Re: Physicist fired for writing book

Dear Dr. Robinson,
Here is a more formal response.

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Berol ROBINSON <101556.1577@compuserve.com> 08/28/01 02:58AM >>>

Thank you for your reasoned answer to my letter. i shall look forward to reading your formal statement in due course.

BR

Berol Robinson Telephone (from France) 01 46 26 02 05
1, rue du General Gouraud (from elsewhere) + 331 46 26 02 05
F-92190 MEUDON, France eMail: 101556.1577@compuserve.com

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:04 PM
To: luc.henrard@fundp.ac.be
Subject: Re:

Dear Dr. Henrard,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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Marc Brodsky

>>> Luc Henrard <luc.henrard@fundp.ac.be> 08/28/01 03:40AM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, *Disciplined Minds*, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists

are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at

Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

Dr. Luc Henrard, University of Namur, Belgium

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:04 PM
To: r.roemer@physik.tu-chemnitz.de
Subject: Re: Physicist fired for writing book

Dear Dr. Roemer,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> "Rudolf A. Römer" <r.roemer@physik.tu-chemnitz.de> 08/28/01 08:48AM

>>> >>>

dear dr. brodsky,

i have recently received the email letter enclosed below. while i am at present not in a position to evaluate the claims put forward in this letter, i would nevertheless like to bring it to your attention and ask for you kind response.

i did not find such response on the APS web pages.

--

Mit freundlichen Grüßen / With my best regards,

-Rudo

PD Dr. Rudolf A. Römer, Institut für Physik, Technische Universität
09107 Chemnitz, Germany

Tel. +49/0 371 531 3146, Fax +49/0 371 531 3151, Room 564, Tel. (Home): +49/0 371 401 2428, Fax (Home) +49/0 1212 510 - 926230

mailto:r.roemer@physik.tu-chemnitz.de, <http://www.tu-chemnitz.de/~arr>

Dear fellow scientist,

As you may have heard, Physics Today magazine recently gave a very punishing review to a book written by physicist Jeff Schmidt: The magazine fired him.

Jeff was a staff editor at Physics Today for 19 years -- until his supervisors saw *Disciplined Minds* (Rowman & Littlefield, 2000), a thought-provoking critique of workplace hierarchy and the politically subordinate role of salaried professionals. The book uses physicists and physics graduate school to help illustrate points about professionals and professional training in general.

Within days of learning about his irreverent book, the higher-ups at Physics Today dismissed Jeff summarily, apparently using the book as an opportunity to retaliate against him for his workplace activism and to ignore his widely praised work for the magazine.

Details of Jeff's firing are given in the statement below, and can also be found on the Web at <http://disciplined-minds.com>

Please join us in protesting Jeff's dismissal, by adding your name to the letter below. We will send the letter to Marc H. Brodsky, Executive Director and CEO of the American Institute of Physics, which publishes Physics Today, and we will also post it on the Web.

To add your name to the letter, please send an e-mail message to SpeechRights@aol.com.

Include your name and an affiliation, such as your department and institution. Please ask others to add their names, too.

You can also write directly to Marc Brodsky, at brodsky@aip.org. If you do, please send a copy of your letter to SpeechRights@aol.com so that it can be posted on the Web. We may send you updates on this issue (if you prefer not to receive them, just let us know).

Your support will make a big difference.

Sincerely,

Talat Rahman
Fellow of the American Physical Society
University Distinguished Professor
Department of Physics
Kansas State University

George F. Reiter
Professor of Physics
University of Houston

Michael A. Lee
Professor of Physics
Kent State University

Background info about Jeff Schmidt and Disciplined Minds

By Chris Mohr and Jean Kumagai
Former Physics Today staff members

In *Disciplined Minds*, Jeff Schmidt challenges professionals to view their role in society in a new and unsettling way. He argues that professional work has both technical and political components, and that salaried professionals are expected to be technically creative but politically subordinate. In particular, they are expected to work creatively to further their employers' world view rather than their own. Such subordination does not occur without a fight, the book maintains, and so the workplace becomes a battleground for the very identity of the individual, as does graduate school, where professionals are trained.

Jeff has a PhD in physics from the University of California, Irvine, and he draws many of his examples from the predicament of employed physicists and physics graduate students. (In one chapter, he examines the physics PhD qualifying examination and shows how the seemingly value-neutral test identifies candidates who have the "right attitude" about their work.) His book details the battle one must fight to be an independent thinker and to advance one's own social vision in today's corporate society. It offers advice on how to make employment more than an exercise in knowing your place, and how to make graduate school more than an abusive "intellectual bootcamp" that breaks the individual in to playing a conventional role. You can avoid the cynicism and intellectual timidity that afflicts so many professional employees, he says, but doing so is not easy, and he discusses how it can be done.

While at *Physics Today*, Jeff played the most prominent role in staff efforts to improve working conditions, increase staff participation in decision-making, and broaden the range of viewpoints allowed in the magazine. He also led an effort to force *Physics Today* to live up to its advertised claim of being an affirmative-action employer, noting that the magazine was hiring and training only whites as editors, a pattern that eventually left the magazine with an all-white staff of 16 professionals and a non-white secretarial staff of 3.

In firing Jeff, the managers at *Physics Today* cited a statement, at the beginning of *Disciplined Minds*, that he had

done some work on the book in his office. Such use of time constitutes "misconduct," they said. But to those familiar with the Physics Today workplace, this charge looks more like a pretext to get rid of someone who was persistently pressing for changes in workplace policies. Indeed, the fact that the magazine's managers dismissed Jeff after so many years of service not only without a hearing, but also without asking him a single question about his work on the book, suggests that they were looking for an opportunity to remove him.

By the time *Disciplined Minds* was published, Physics Today's managers had already tried unsuccessfully to silence Jeff with repressive measures just short of dismissal. At one point, for example, they put gag orders on Jeff and another outspoken staff editor, warning that they would be fired if they said anything "counterproductive." These orders were eventually lifted due to pressure from coworkers. Perhaps even more incredibly, Physics Today also banned private conversations in the workplace, announcing that all conversations between staff members must be open to monitoring by managers. In light of this history, Physics Today's response to *Disciplined Minds* is less surprising.

The managers at Physics Today apparently thought the book would look so provocative to others that no one would object if they fired Jeff. They were wrong.

To date, there have

been many protests: by sixteen former Physics Today staff members (including us), by the National Writers Union, and by 160 scholars, writers and educators in a wide range of fields. Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that Physics Today fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. (During the years that Jeff was writing *Disciplined Minds*, Physics Today gave him two promotions and 19 salary increases based explicitly on the quantity and quality of his work for the magazine.) Details of the state investigation are posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and reviews of the book.

Jeff recently took his case to one of the ten largest law firms in Washington, D.C.

Lawyers at Dickstein Shapiro Morin & Oshinsky felt that Physics Today's actions, if left unchallenged, would set a bad precedent for employees everywhere. They waived their fees and will do what they can to bring legal challenges against Physics Today's repressive behavior, simply for the public good. Physics Today has hired what union activists and labor lawyers call the most notorious union-busting law firm in the country (Jackson, Lewis, Schnitzler & Krupman) to deal with any legal challenges in this case. That's revealing, but it doesn't mean that the law is a likely source of justice for Jeff. The law generally favors employers, and so Jeff's best chance for justice is support from the physics community.

Please consider adding your name to the letter below or writing your own letter. You can also spread the word by telling your friends and colleagues about Jeff's case, by linking your Web site to <http://disciplined-minds.com> and, if you are an instructor, by informing your students about Jeff's situation.

You can contact Jeff at...

Jeff Schmidt
3003 Van Ness Street NW #W406
Washington, DC 20008
jeffschmidt@alumni.uci.edu
202-537-3645

(The above is based on information from Jeff and other former Physics Today employees, and on relevant documents. You can contact us at christophermohr@hotmail.com and jean_kumagai@hotmail.com)

The letter...

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, *Disciplined Minds*, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

(This letter expresses the views of the undersigned; affiliations are listed for identification only. Those of us whose names are marked with asterisks worked with Jeff directly, as he edited our articles for publication in Physics Today, and can attest that he does excellent, conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:05 PM
To: William@McHargue.Org
Subject: Re: Delaying Membership Renewal (Physics Today not"separable")

Dear Dr. McHargue,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> "William B. McHargue" <William@McHargue.Org> 08/26/01 04:16PM >>>

Dear APS,

I am delaying any renewal of my APS membership because my mind is not made-up concerning the firing of Mr. Jeff Schmidt from the Physics Today staff. Since this publication (which is one I have enjoyed for many years) does not appear to be an "elective" part of my membership, and it is support of Physics Today that is the issue I face, I cannot in good stead renew my membership until I can learn more about the firing, and not just from the interested parties on either side.

I hope that the facts of this action can be made public, and in a truly frank manner. Until then I must reserve my judgement, and unfortunately my membership.

Regards,

Bill McHargue.

--

William B. McHargue - Physicist

E-mail: <<mailto:William@McHargue.Org>> <-- note now it is ".Org"

Web: <<http://WWW.McHargue.Org/William>>

Address: 1225 Lincoln Ave., San Diego, CA 92103-2321, USA

Phone: <Ph:760.612.0008>

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:07 PM
To: klemperer@chemistry.harvard.edu
Cc: Bill Burke
Subject: Re: Fwd: Physicist fired for writing book

Dear Dr. Klemperer,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Bill Klemperer <klemperer@chemistry.harvard.edu> 08/28/01 10:59AM

>>> >>>

>From: Speech Rights <SpeechRights@aol.com>

>To: <billk@otto.harvard.edu>

>Subject: Physicist fired for writing book

>Date: Thu, 23 Aug 2001 03:05:40 -0700

>

>Dear fellow scientist,

>

>As you may have heard, Physics Today magazine recently gave a very
>punishing review to a book written by physicist Jeff Schmidt: The
>magazine fired him.

>

>Jeff was a staff editor at Physics Today for 19 years -- until his
>supervisors saw Disciplined Minds (Rowman & Littlefield, 2000), a
>thought-provoking critique of workplace hierarchy and the politically
>subordinate role of salaried professionals. The book uses physicists
>and physics graduate school to help illustrate points about
>professionals and professional training in general.

>

>Within days of learning about his irreverent book, the higher-ups at
>Physics Today dismissed Jeff summarily, apparently using the book as an
>opportunity to retaliate against him for his workplace activism and to
>ignore his widely praised work for the magazine. Details of Jeff's
>firing are given in the statement below, and can also be found on the
>Web at <http://disciplined-minds.com>

>

>Please join us in protesting Jeff's dismissal, by adding your name to
>the letter below. We will send the letter to Marc H. Brodsky,
>Executive Director and CEO of the American Institute of Physics, which
>publishes Physics Today, and we will also post it on the Web.

>

>To add your name to the letter, please send an e-mail message to
>SpeechRights@aol.com. Include your name and an affiliation, such as
>your department and institution. Please ask others to add their names,
>too.

>

>You can also write directly to Marc Brodsky, at brodsky@aip.org. If
>you do, please send a copy of your letter to SpeechRights@aol.com so
>that it can be posted on the Web. We may send you updates on this
>issue (if you prefer not to receive them, just let us know).

>

>Your support will make a big difference.

>

>Sincerely,

>

>Talat Rahman

>Fellow of the American Physical Society University Distinguished

>Professor Department of Physics Kansas State University

>

D00978

>George F. Reiter
>Professor of Physics
>University of Houston

>
>Michael A. Lee
>Professor of Physics
>Kent State University

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>-----
>

>Background info about Jeff Schmidt and Disciplined Minds

>
>By Chris Mohr and Jean Kumagai
>Former Physics Today staff members

>
>In Disciplined Minds, Jeff Schmidt challenges professionals to view
>their role in society in a new and unsettling way. He argues that
>professional work has both technical and political components, and that
>salaried professionals are expected to be technically creative but
>politically subordinate. In particular, they are expected to work
>creatively to further their employers' world view rather than their
>own. Such subordination does not occur without a fight, the book
>maintains, and so the workplace becomes a battleground for the very
>identity of the individual, as does graduate school, where
>professionals are trained.

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>
>Jeff has a PhD in physics from the University of California, Irvine,
>and he draws many of his examples from the predicament of employed
>physicists and physics graduate students. (In one chapter, he examines
>the physics PhD qualifying examination and shows how the seemingly
>value-neutral test identifies candidates who have the "right attitude"
>about their work.) His book details the battle one must fight to be an
>independent thinker and to advance one's own social vision in today's
>corporate society. It offers advice on how to make employment more
>than an exercise in knowing your place, and how to make graduate school
>more than an abusive "intellectual bootcamp" that breaks the individual
>in to playing a conventional role. You can avoid the cynicism and
>intellectual timidity that afflicts so many professional employees, he
>says, but doing so is not easy, and he discusses how it can be done.
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>
>While at Physics Today, Jeff played the most prominent role in staff
>efforts to improve working conditions, increase staff participation in
>decision-making, and broaden the range of viewpoints allowed in the
>magazine. He also led an effort to force Physics Today to live up to
>its advertised claim of being an affirmative-action employer, noting

>that the magazine was hiring and training only whites as editors, a
 >pattern that eventually left the magazine with an all-white staff of 16
 >professionals and a non-white secretarial staff of 3.
 >ployment more than an exercise in knowing your place, and how to make
 >graduate school more than an abusive "intellectual bootcamp"
 >that breaks the individual in to playing a conventional role. You can
 >avoid the cynicism and intellectual timidity that afflicts so many
 >professional employees, he says, but doing so is not easy, and he
 >discusses how it can be done.

>-"???Qà??½Q+£?+=£?x-"??hh??à??hh??à??? m??ù f'-;

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>In firing Jeff, the managers at Physics Today cited a statement, at the
 >beginning of Disciplined Minds, that he had done some work on the book
 >in his office. Such use of time constitutes "misconduct,"
 >they said. But to those familiar with the Physics Today workplace,
 >this charge looks more like a pretext to get rid of someone who was
 >persistently pressing for changes in workplace policies. Indeed, the
 >fact that the magazine's managers dismissed Jeff after so many years of
 >service not only without a hearing, but also without asking him a
 >single question about his work on the book, suggests that they were
 >looking for an opportunity to remove him.
 >ctual bootcamp" that breaks the individual in to playing a conventional
 >role. You can avoid the cynicism and intellectual timidity that
 >afflicts so many professional employees, he says, but doing so is not
 >easy, and he discusses how it can be done.

>-"???Qà??½Q+£?+=£?x-"??hh??à??hh??à??? m??ù f'-;

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>By the time Disciplined Minds was published, Physics Today's managers
 >had already tried unsuccessfully to silence Jeff with repressive
 >measures just short of dismissal. At one point, for example, they put
 >gag orders on Jeff and another outspoken staff editor, warning that
 >they would be fired if they said anything "counterproductive." These
 >orders were eventually lifted due to pressure from coworkers. Perhaps
 >even more incredibly, Physics Today also banned private conversations
 >in the workplace, announcing that all conversations between staff
 >members must be open to monitoring by managers. In light of this
 >history, Physics Today's response to Disciplined Minds is less
 >surprising.

>vidual in to playing a conventional role. You can avoid the cynicism
 >and intellectual timidity that afflicts so many professional employees,
 >he says, but doing so is not easy, and he discusses how it can be done.

>-"???Qà??½Q+£?+=£?x-"??hh??à??hh??à??? m??ù f'-;

>

>The managers at Physics Today apparently thought the book would look so
 >provocative to others that no one would object if they fired Jeff.
 >They were wrong. To date, there have been many protests: by sixteen
 >former Physics Today staff members (including us), by the National
 >Writers Union, and by 160 scholars, writers and educators in a wide
 >range of fields. Even the State of Maryland, after an unemployment
 >benefits hearing, rejected AIP's charge that Jeff's work on the book at

>the office constituted misconduct, finding that Physics Today fired
>Jeff without evidence that his spare-time writing interfered with his
>work for the magazine. (During the years that Jeff was writing
>Disciplined Minds, Physics Today gave him two promotions and 19 salary
>increases based explicitly on the quantity and quality of his work for
>the magazine.) Details of the state investigation are posted on the
>Web at <http://disciplined-minds.com>, along with the protest letters,
>reports in the press and !
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>reviews of the book.
>
>Jeff recently took his case to one of the ten largest law firms in
>Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt
>that Physics Today's actions, if left unchallenged, would set a bad
>precedent for employees everywhere. They waived their fees and will do
>what they can to bring legal challenges against Physics Today's
>repressive behavior, simply for the public good. Physics Today has
>hired what union activists and labor lawyers call the most notorious
>union-busting law firm in the country (Jackson, Lewis, Schnitzler &
>Krupman) to deal with any legal challenges in this case. That's
>revealing, but it doesn't mean that the law is a likely source of
>justice for Jeff. The law generally favors employers, and so Jeff's
>best chance for justice is support from the physics community.
>ty of his work for the magazine.) Details of the state investigation
>are posted on the Web at <http://disciplined-minds.com>, along with the
>protest letters, reports in the press and !
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>
>Please consider adding your name to the letter below or writing your
>own letter. You can also spread the word by telling your friends and
>colleagues about Jeff's case, by linking your Web site to
><http://disciplined-minds.com> and, if you are an instructor, by
>informing your students about Jeff's situation.
>
>You can contact Jeff at...
>
>Jeff Schmidt
>3003 Van Ness Street NW #W406
>Washington, DC 20008
>jeffschmidt@alumni.uci.edu
>202-537-3645
>
>(The above is based on information from Jeff and other former Physics
>Today employees, and on relevant documents. You can contact us at
>christophermohr@hotmail.com and jean_kumagai@hotmail.com)
>
>-----
>

>The letter...

>

>To: Marc H. Brodsky

>Executive Director and CEO

>American Institute of Physics

>One Physics Ellipse

>College Park, Maryland 20740

>

>Dear Dr. Brodsky:

>

>As physicists and other scientists concerned about freedom of

>expression in the science community, we were troubled to learn of your

>dismissal of Jeff Schmidt, who had been an articles editor at Physics

>Today magazine for over 19 years.

>

>As we understand it, you fired Jeff after you saw his book, Disciplined

>Minds, and in particular after you learned that Jeff had used some of

>his spare time at the office for critical writing about education and

>employment in physics and other fields.

>

>While we do not necessarily agree with Jeff's views about the situation

>of physicists and other salaried professionals, and do not expect you

>to, we believe that free debate within the physics community is

>healthy. We expect you to encourage it, not stifle it, especially

>because physicists are known for speaking out when physicists

>internationally are punished for expressing their views.

>Your actions as head of the American Institute of Physics help to shape

>society's view of the physics community. We urge you to reconsider

>your decision, and offer to reinstate Jeff as an editor at Physics

>Today.

>s revealing, but it doesn't mean that the law is a likely source of

>justice for Jeff. The law generally favors employers, and so Jeff's

>best chance for justice is support from the physics community.

>ty of his work for the magazine.) Details of the state investigation

>are posted on the Web at <http://disciplined-minds.com>, along with the

>protest letters, reports in the press and !

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>f'-;

>

>We ask that you publish this letter in Physics Today, to bring our

>concerns to the attention of the wider physics community.

>

>Sincerely,

>

>(This letter expresses the views of the undersigned; affiliations are

>listed for identification only. Those of us whose names are marked

>with asterisks worked with Jeff directly, as he edited our articles for

>publication in Physics Today, and can attest that he does excellent,

>conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:08 PM
To: onellion@landau.physics.wisc.edu
Subject: Re: Schmidt

Dear Dr. Onellion,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> <onellion@landau.physics.wisc.edu> 08/28/01 09:01AM >>>

D00983

August 28, 2001
onellion@landau.physics.wisc.edu

Dear Dr. Brodsky:

I write to ask about this Jeff Schmidt matter. I received a form electronic mail message presenting one view, clearly sympathetic to Jeff Schmidt and not to "Physics Today." The information you may be able to provide could be limited by pending litigation, but I would appreciate knowing anything that helps me understand the context of this quarrel. Thanks in advance.

Regards,
Marshall Onellion
Professor, physics, University of Wisconsin- Madison

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:09 PM
To: marateck@cs.nyu.edu
Subject: Re: Jeff Schmidt

Dear Dr. Marateck,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Sam Marateck <marateck@cs.nyu.edu> 08/28/01 10:07PM >>>

Dear DR. Brodsky

What is the AIP's version of the Schmidt case.

Thank you,

--Samuel Marateck

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:09 PM
To: kleppner@MIT.EDU
Cc: Stephen Benka
Subject: Re: the Schmidt thing

Dear Dan,
Here it is.

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Daniel Kleppner <kleppner@MIT.EDU> 08/29/01 03:20PM >>>

Dear Marc,

I have had a few inquiries from friends about the Schmidt thing. I understand that you are preparing an AIP response. I would appreciate receiving a copy when/if it is available. I think I have a pretty good idea of the situation, but I naturally want to avoid a misstatement.

Regards,

Dan

--

Daniel Kleppner

Lester Wolfe Professor of Physics

Director, Center for Ultracold Atoms

MIT, room 26-237, Cambridge, MA 02139

phone: 617-253-6811

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:11 PM
To: jcowens@post.harvard.edu
Subject: Re: Firing of Jeff Schmidt

Dear Dr. Owens,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> "J.C.Owens" <jcowens@post.harvard.edu> 08/29/01 09:53PM >>>

Dear Dr. Brodsky:

I was very disturbed to read the email from SpeechRights about your firing of Jeff Schmidt.

My career and my father's have both been in physics - he was an APS member since the late 1920's (his obituary appears in the latest issue of Physics Today) and I have been a member and participant since 1961.

My conception of the APS and AIP has been that they have been since their beginnings intellectually open, exploratory seekers after fundamental truth, primarily physical truth, but expanding into areas beyond that when required or appropriate. The APS special reports on salaries and careers, for example, are entirely appropriate studies of the current state of reality, however frustrating to basic scientists they may be. Although I recognize that growth into a major professional society and interactions with the Federal Government in WWII have given rise to seductive pressures for accommodation in order to receive funding, sometimes in clear opposition to the independent search for truth and understanding, I had still assumed that the APS and AIP would be open to unconventional and nonconformist searches for reality rather than kowtowing to political pressure and suppressing alternative ideas. My thesis advisor, Nicolaas Bloembergen, joined with others in opposing the overenthusiastic and technologically illiterate Star Wars program; I gave a talk at the Lasers '87 meeting in Lake Tahoe when Patel and others continued the battle, still as underdogs, against the demagoguery of Teller and his military opportunist supporters.

Jeff Schmidt's analysis, as described in the 8/24/01 email from SpeechRights, sounds to me entirely realistic, and consonant with the pressures, however subtle, I have found in my own career.

I am disturbed and even disgusted at your actions, and trust that you will explain them to me and show that they are not simply the mindless reaction of an entrenched and supplicant Washington bureaucracy, which is certainly how they appear. I would expect the APS and AIP to be principled investigators and enlightened searchers for truth, not merely suppressors of all viewpoints that do not support the machinations of Washington as the ultimate source of "truth", however transient.

James C. Owens

--

Dr. James C. Owens

Senior Fellow, Torrey Pines Research

Past President, Society for Imaging Science and Technology Member, Executive Committee, New York State
Section, American Physical Society

3 Woods End

Pittsford, New York 14534

Phone and fax (716) 381-2286

e-mail jcowens@post.harvard.edu

D00990

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:15 PM
To: jwhitehouse@worldnet.att.net
Subject: Re: RE: Physicist fired for writing book

Dear Dr. White,

You sent me the email below, but your remarks seemed to be addressed to those who wrote the email about Jeff Schmidt to you not me.

In any case, I thank you for your supportive remarks.

Marc Brodsky

>>> "Joan White" <jwhitehouse@worldnet.att.net> 08/30/01 10:05AM >>>

As physicists, (self)-renowned for their powers of accuracy, precision, and analysis, you have done an exceptionally poor job in presenting the case of Jeff Schmidt. I know that we are in the age of plastic vocabulary (remember Clinton: "it depends on what your definition of 'is' is"), but language counts. Whatever the circumstances of Jeff's employment termination, it certainly is not a matter of "speech rights".

Freedom of speech is a right guaranteed by the constitution that protects the citizen from the government. Whether Jeff's termination was proper or improper, and whether his behavior on the job was appropriate or inappropriate are entirely separate issues from his right to free speech.

You present not a shred of evidence that any of Jeff's civil rights have been abrogated -- and the fact that his book is published is powerful evidence to the contrary.

You commit an unpardonable travesty by comparing Jeff's circumstances with countless unfortunate citizens in repressive countries who do not enjoy the civil rights of Americans. Apparently unlike you, I am deeply "concerned about freedom of expression" -- which is precisely why I object to your mischaracterization of Jeff's case as a matter of civil rights. Even if you can make a case that employment (by private business) is a "right", you certainly cannot make the case that employment by a particular business of your choosing is a "right".

My most visceral negative impression arises from the paragraph describing the law firms retained by Jeff and Physics Today. It is what I call "Nazi methodology" -- identify a scapegoat, paint them pure evil (of course, you are pure good), and attack them as the problem. Grow up. Jeff's law firm did not take his case "simply for the public good", nor is Physics Today's law firm a gang of "notorious union-busting" thugs. It is fine to view those who disagree with you as opponents, but not fine to view them as evil enemies. Given the consistent quality of Physics Today, I feel more than secure in assuming that management is intelligent and capable. You come across more like a member of Islamic Jihad than educated advocates.

My impression is that much of the current physics community covers the political spectrum between the left and the far left. This letter, therefore, expresses views that undoubtedly will be a small minority of those you receive (and will itself attract more than its share of vituperative attacks if it is published). That makes my position less popular, not less correct. Conflating issues of employment with civil rights renders ill service to both. Let me note that I am not qualified to comment in any way on the circumstances on Jeff's termination; and that is not really the fundamental point in your message, or this response. I will say that every business should have the right to set its own employment practices within the confines of the law. And, every employee is free to disagree with those practices; in which case he/she is free to work for change or leave (or commit violations leading to termination). Fortunately, I have always considered it a privilege to work for my employer.

Bernard H. White, Ph.D.

ExxonMobil Corporation

(Affiliation provided for identification only; views expressed are those of the author.)

-----Original Message-----

From: Speech Rights [mailto:SpeechRights@aol.com]

Sent: Friday, August 24, 2001 11:28 PM

To: jbwhitehouse@worldnet.att.net

Subject: Physicist fired for writing book

Dear fellow scientist,

As you may have heard, Physics Today magazine recently gave a very punishing review to a book written by physicist Jeff Schmidt: The magazine fired him.

Jeff was a staff editor at Physics Today for 19 years -- until his supervisors saw *Disciplined Minds* (Rowman & Littlefield, 2000), a thought-provoking critique of workplace hierarchy and the politically subordinate role of salaried professionals. The book uses physicists and physics graduate school to help illustrate points about professionals and professional training in general.

Within days of learning about his irreverent book, the higher-ups at Physics Today dismissed Jeff summarily, apparently using the book as an opportunity to retaliate against him for his workplace activism and to ignore his widely praised work for the magazine. Details of Jeff's firing are given in the statement below, and can also be found on the Web at <http://disciplined-minds.com>

Please join us in protesting Jeff's dismissal, by adding your name to the letter below. We will send the letter to Marc H. Brodsky, Executive Director and CEO of the American Institute of Physics, which publishes Physics Today, and we will also post it on the Web.

To add your name to the letter, please send an e-mail message to SpeechRights@aol.com. Include your name and an affiliation, such as your department and institution. Please ask others to add their names, too.

You can also write directly to Marc Brodsky, at brodsky@aip.org. If you do, please send a copy of your letter to SpeechRights@aol.com so that it can be posted on the Web. We may send you updates on this issue (if you prefer not to receive them, just let us know).

Your support will make a big difference.

Sincerely,

Talat Rahman

Fellow of the American Physical Society

University Distinguished Professor

Department of Physics

Kansas State University

George F. Reiter

Professor of Physics

University of Houston

Michael A. Lee
Professor of Physics
Kent State University

Background info about Jeff Schmidt and Disciplined Minds

By Chris Mohr and Jean Kumagai
Former Physics Today staff members

In *Disciplined Minds*, Jeff Schmidt challenges professionals to view their role in society in a new and unsettling way. He argues that professional work has both technical and political components, and that salaried professionals are expected to be technically creative but politically subordinate. In particular, they are expected to work creatively to further their employers' world view rather than their own. Such subordination does not occur without a fight, the book maintains, and so the workplace becomes a battleground for the very identity of the individual, as does graduate school, where professionals are trained.

Jeff has a PhD in physics from the University of California, Irvine, and he draws many of his examples from the predicament of employed physicists and physics graduate students. (In one chapter, he examines the physics PhD qualifying examination and shows how the seemingly value-neutral test identifies candidates who have the "right attitude" about their work.) His book details the battle one must fight to be an independent thinker and to advance one's own social vision in today's corporate society. It offers advice on how to make employment more than an exercise in knowing your place, and how to make graduate school more than an abusive "intellectual bootcamp" that breaks the individual in to playing a conventional role. You can avoid the cynicism and intellectual timidity that afflicts so many professional employees, he says, but doing so is not easy, and he discusses how it can be done.

While at *Physics Today*, Jeff played the most prominent role in staff efforts to improve working conditions, increase staff participation in decision-making, and broaden the range of viewpoints allowed in the magazine. He also led an effort to force *Physics Today* to live up to its advertised claim of being an affirmative-action employer, noting that the magazine was hiring and training only whites as editors, a pattern that eventually left the magazine with an all-white staff of 16 professionals and a non-white secretarial staff of 3.

In firing Jeff, the managers at *Physics Today* cited a statement, at the beginning of *Disciplined Minds*, that he had done some work on the book in his office. Such use of time constitutes "misconduct," they said. But to those familiar with the *Physics Today* workplace, this charge looks more like a pretext to get rid of someone who was persistently pressing for changes in workplace policies. Indeed, the fact that the magazine's managers dismissed Jeff after so many years of service not only without a hearing, but also without asking him a single question about his work on the book, suggests that they were looking for an opportunity to remove him.

By the time *Disciplined Minds* was published, *Physics Today*'s managers had already tried unsuccessfully to silence Jeff with repressive measures just short of dismissal. At one point, for example, they put gag orders on Jeff and another outspoken staff editor, warning that they would be fired if they said anything "counterproductive." These orders were eventually lifted due to pressure from coworkers. Perhaps even more incredibly, *Physics Today* also banned private conversations in the workplace, announcing that all conversations between staff members must be open to monitoring by managers.

In light of this history, *Physics Today*'s response to *Disciplined Minds* is less surprising.

The managers at *Physics Today* apparently thought the book would look so provocative to others that no one would object if they fired Jeff. They were wrong. To date, there have been many protests: by sixteen former *Physics*

Today staff members (including us), by the National Writers Union, and by 160 scholars, writers and educators in a wide range of fields. Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that Physics Today fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. (During the years that Jeff was writing Disciplined Minds, Physics Today gave him two promotions and 19 salary increases based explicitly on the quantity and quality of his work for the magazine.) Details of the state investigation are posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and reviews of the book.

Jeff recently took his case to one of the ten largest law firms in Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt that Physics Today's actions, if left unchallenged, would set a bad precedent for employees everywhere. They waived their fees and will do what they can to bring legal challenges against Physics Today's repressive behavior, simply for the public good. Physics Today has hired what union activists and labor lawyers call the most notorious union-busting law firm in the country (Jackson, Lewis, Schnitzler & Krupman) to deal with any legal challenges in this case. That's revealing, but it doesn't mean that the law is a likely source of justice for Jeff. The law generally favors employers, and so Jeff's best chance for justice is support from the physics community.

Please consider adding your name to the letter below or writing your own letter. You can also spread the word by telling your friends and colleagues about Jeff's case, by linking your Web site to <http://disciplined-minds.com> and, if you are an instructor, by informing your students about Jeff's situation.

You can contact Jeff at...

Jeff Schmidt
3003 Van Ness Street NW #W406
Washington, DC 20008
jeffschmidt@alumni.uci.edu
202-537-3645

(The above is based on information from Jeff and other former Physics Today employees, and on relevant documents. You can contact us at christophermohr@hotmail.com and jean_kumagai@hotmail.com)

The letter...

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, Disciplined Minds, and in particular after you learned

that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

(This letter expresses the views of the undersigned; affiliations are listed for identification only. Those of us whose names are marked with asterisks worked with Jeff directly, as he edited our articles for publication in Physics Today, and can attest that he does excellent, conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:16 PM
To: werner.wolf@yale.edu
Subject: Re: Another input

Dear Werner,

Thank you for your supportive comments.

FYI, below is what I have been sending to those who personally inquire.

Marc

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

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I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Werner Wolf <werner.wolf@yale.edu> 08/30/01 12:21PM >>>

Dear Marc,

I am sure you'll be receiving lots of angry e-mail as a result of the 'SpeechRights' letter many of received recently. I am writing to let you know that there are some of us out there who think you may have been right.

I know nothing about the specific circumstances, and I certainly don't intend to become involved, but I just wanted you to know that my own interactions with Jeff Schmidt seven years ago were such that I was not surprised when I read that there had been some trouble. At that time he had been assigned to editing an article I had been asked to write for Physics Today, and I can only say that I found my interactions with him quite aggravating. The specifics are surely not relevant at this time, but I looked up my correspondence, and the opening sentence of my letter to Gloria Lubkin dated 9/5/94 may give some indication on how I felt at the time:

"Dear Gloria,

As you may know, Jeff Schmidt _finally_ sent me something to look at last Saturday. I have now gone through the new version, and you will perhaps not be surprised that I am not very pleased with the changes, some of which are more than stylistic and will have to be revised.

....."

I just thought you might like to have another point of view.

Best regards,

Werner

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:17 PM
To: DalkeyGuy@aol.com
Subject: Re: No Subject

Dear Dr. Robinson,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> <DalkeyGuy@aol.com> 08/30/01 02:48PM >>>

Dear Brodsky

I would like to add my protest at the treatment of Jeff Schmidt. Though I am not myself a physicist, rather a philosopher of science, I can see that what he was doing has many resonances with the kind of analysis that Thomas Kuhn was making about the scientific community and how it imposes a kind of uniformity on apprentice scientists. Though the apprentices need to learn the directing assumptions and standards, sometimes this induction process can be oppressive. Firing Jeff Schmidt for writing a book on this subject is an outrageous and unacceptable example of this oppressive hierarchy.

Guy Robinson

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:18 PM
To: best@UCONNVM.UCONN.EDU
Subject: Re: Management, dismissal

Dear Dr. Best,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

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I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Phil Best <best@UCONNVM.UCONN.EDU> 08/30/01 08:28PM >>>

Dear Dr. Brodsky:

Please add my name to the list of those protesting the firing of Jeff Schmidt from Physics Today. I would like to address a broader issue raised in connection with that incident; the non-training of physics managers in industry and academia. My belief is that managers generally "wing it", perhaps practising techniques with which they were managed (this suggestion is an extension of the oft made observation "we teach as we were taught", and you know where that has got us to in the classroom). Different styles of management are viewed non-judgementally so far as outcomes are concerned.

But there are different outcomes for different management styles; there are economic advantages for enterprises using non-hierarchical management styles. A wise scientist I went to work for (with?) in 1965, Bob Broudy, introduced me to "The Human Side of Enterprise" by Douglas McGregor. This book, first published in 1960, was published in 1985 in a celebratory 25th anniversary printing. It is a classic, still used, as evidenced by the thousands of hits one makes when:
douglas mcgregor theory y: are used as the terms in a Google search. Very good summaries of the work are available in web pages amongst the first half-dozen hits.

Most physicists exposed to the evidence described in the book would opt to adapt the style described as theory "y" by McGregor. It surely helps if that is your natural style. Perhaps there is a place for the assigned reading of this book in certain physics courses. If the AIP is to regard itself as a humane and enlightened organization it should consider McGregor's work as a guide for its own managers. In that case, the chance of a recurrence of an event such as this firing would perhaps be reduced.

Yours sincerely
Philip Best
philip.best@uconn.edu

D01001

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Sunday, September 02, 2001 3:19 PM
To: gsfs@fire.mit.edu
Subject: Re: Case of Jeff Schmidt

Dear Dr. Stephans,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> GEORGE STEPHANS 617-253-4237 24-412 MIT <gsfs@fire.mit.edu> 08/31/01

D01002

>>> 02:30PM >>>

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics

A recently circulated e-mail contains some very disturbing charges concerning the treatment of a staff editor at Physics Today. I hesitate to pass any judgement based on only one side of the story. However, the issues presented are serious and, if true, are clearly at odds with my expectations for the activities of an organization such as the American Institute of Physics. I urge you to act promptly to address this situation, either by reversing the recent action or by providing a detailed explanation to the physics community.

Sincerely,
George Stephans

D01003

Carroll, Diane (Long Island)

From: "mtec@acpgate.acp.org"
Sent: Sunday, September 02, 2001 6:11 PM
To: brodsky@aip.org
Subject: Re: Fwd: Physicist fired for writing book

Attachments: Header



Header (1 KB)

Dear Mr. Brodsky,

Thanks for responding to my inquiry. I have tried to gather the information necessary to fairly understand both sides of this issue and your input has been valuable.

After going through this process, I have to say that the actions of the AIP regarding Jeff Schmidt's termination concern me a great deal. Quite frankly I'm aghast that the organization that represents my profession and that I have supported for many years would engage in such behavior. Doesn't anyone at AIP understand the full implications of what this action means?

Furthermore, I seriously doubt that the majority of physicists who have supported AIP would be comfortable with the treatment of Jeff Schmidt.

Please understand that your belief the AIP has not violated federal law is hardly the point. Most people who look into what occurred are going to suspect early on that the "stolen time" issue is bogus and that this is really about personality clashes and difficulty within AIP recognizing the importance of examining matters of great importance to the profession from different perspectives. While it may not work to have all of the Physics Today editors with Schmidt's outlook, our profession was truly lucky to have one regardless of any personality considerations.

I hope that you will reinstate Schmidt immediately. To do so will save a lot of people a lot of time and expense and it is simply the only reasonable course of action at this point. I feel that the physics community would be best served if the matter could be settled without further legal action and further organization of the APS membership against the AIP actions. Both will inevitably occur unless you take action. Please seriously consider an early closure.

Sincerely,
John McClelland
Group Leader, Ames Laboratory-USDOE
Adjunct Faculty, Mechanical Engineering
Iowa State University
Research Director, MTEC Photoacoustics, Inc.

At 12:41 PM 9/1/01 -0400, you wrote:

>Dear Mr. McClelland.

>Thank you for asking.

>I am writing in response to your recent inquiry regarding the
>circumstances surrounding Jeff Schmidt's termination. Since legal
>proceedings are pending in response to Mr. Schmidt's claims, I am
>providing only a brief statement of AIP's position. At the outset,
>please note that there has been no finding that the discharge of Mr.

D01004

>Schmidt violated any federally protected right. AIP is not involved in
>similar legal proceedings with any other incumbent or former employee.
>Also, I personally assure you that Mr. Schmidt's termination had
>nothing to do with the subject matter of his book.
>
>Some who have written to me, made reference to APS. APS was not Mr.
>Schmidt's employer. AIP was.
>
>Mr. Schmidt was discharged by AIP after he stated, in the introduction
>to his book, that it was written on "stolen time". To me, the
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>he wrote the book on paid work time, when, in my opinion, he should
>have been devoting his energies to AIP. In brief, while being paid by
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>pursuing activities beyond what he was supposed to be doing on work time.
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>AIP supports the right of all employees to seek guidance from the U. S.
>Equal Employment Opportunity Commission, the National Labor Relations
>Board or any other government agency to present questions regarding
>their employment or the termination thereof. AIP firmly believes that
>it has not engaged in any improper behavior. To date, no agency has
>found that AIP violated any law. In fact, below I quote from the
>findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

>
> "The evidence in this regard indicates that Mr. Schmidt had a
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> time, that is. I felt that I had no choice but to do it that way....' "

>
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>actually "steal" company time, but "merely engaged in literary
>hyperbole in his book introduction." The NLRB found that:

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> concluded that the Employer has some justification for taking Mr.
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> device to catch the interest of a reader. Moreover, and most significantly, even if Mr.
> Schmidt did not actually work on his book project on company time, by
> asserting that he did, he served to undercut Employer's efforts at
> enhancing employee productivity."

>
>I hope that you find these brief remarks to be responsive to your
>questions and concerns. I hope you can appreciate our position. AIP is
>committed to the physics community and to its members. As an employer,
>we try to act appropriately. We are proud of our work atmosphere and
>the high morale of our employees. Thank you for your interest.

>
>Marc Brodsky
>August 31, 2001

> >> <mtec@mtecpas.com> 08/25/01 12:29AM >>>
> I would be interested in knowing the AIP position on the information
> below before responding to it. Any response that you might care to make
> would be most appreciated.
> John McClelland
>
> >Delivered-To: mtec-mtecpas:com-john@mtecpas.com
> >X-Envelope-To: john@mtecpas.com
> >Date: Fri, 24 Aug 2001 22:48:35 -0500
> >From: John McClelland <johnfm@iastate.edu>
> >Subject: Physicist fired for writing book
> >X-Sender: mclella@ameslab.gov
> >To: john@mtecpas.com
> >X-Mailer: QUALCOMM Windows Eudora Pro Version 3.0.3 (32)
> >
> >>Date: Fri, 24 Aug 2001 20:53:00 -0700
> >>From: Speech Rights <SpeechRights@aol.com>
> >>Subject: Physicist fired for writing book
> >>To: mclelland@ameslab.gov
> >>Reply-to: SpeechRights@aol.com
> >>X-Mailer: NetMailer v1.00 (<http://www.alphasoftware.com/netmailer>)
> >> [C.R-D68D966D2441A1D0953]
> >>
> >>Dear fellow scientist,
> >>
> >>As you may have heard, Physics Today magazine recently gave a very
> >punishing review to a book written by physicist Jeff Schmidt: The
> >magazine fired him.
> >>
> >>Jeff was a staff editor at Physics Today for 19 years -- until his
> >supervisors saw Disciplined Minds (Rowman & Littlefield, 2000), a
> >thought-provoking critique of workplace hierarchy and the politically
> >subordinate role of salaried professionals. The book uses physicists
> >and physics graduate school to help illustrate points about
> >professionals and professional training in general.
> >>
> >>Within days of learning about his irreverent book, the higher-ups
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> >an opportunity to retaliate against him for his workplace activism
> >and to ignore his widely praised work for the magazine. Details of
> >Jeff's firing are given in the statement below, and can also be found
> >on the Web at <http://disciplined-minds.com>
> >>
> >>Please join us in protesting Jeff's dismissal, by adding your name
> >>to the
> >letter below. We will send the letter to Marc H. Brodsky, Executive
> >Director and CEO of the American Institute of Physics, which
> >publishes Physics Today, and we will also post it on the Web.
> >>

>>>To add your name to the letter, please send an e-mail message to
>>SpeechRights@aol.com. Include your name and an affiliation, such as
>>your department and institution. Please ask others to add their names, too.
>>>
>>>You can also write directly to Marc Brodsky, at brodsky@aip.org.
>>>If you
>>do, please send a copy of your letter to SpeechRights@aol.com so that
>>it can be posted on the Web. We may send you updates on this issue
>>(if you prefer not to receive them, just let us know).
>>>
>>>Your support will make a big difference.
>>>
>>>Sincerely,
>>>
>>>Talat Rahman
>>>Fellow of the American Physical Society University Distinguished
>>>Professor Department of Physics Kansas State University
>>>
>>>George F. Reiter
>>>Professor of Physics
>>>University of Houston
>>>
>>>Michael A. Lee
>>>Professor of Physics
>>>Kent State University
>>>
>>>-----
>>>
>>>Background info about Jeff Schmidt and Disciplined Minds
>>>
>>>By Chris Mohr and Jean Kumagai
>>>Former Physics Today staff members
>>>
>>>In Disciplined Minds, Jeff Schmidt challenges professionals to view
>>>their
>>role in society in a new and unsettling way. He argues that
>>professional work has both technical and political components, and
>>that salaried professionals are expected to be technically creative
>>but politically subordinate. In particular, they are expected to
>>work creatively to further their employers' world view rather than
>>their own. Such subordination does not occur without a fight, the
>>book maintains, and so the workplace becomes a battleground for the
>>very identity of the individual, as does graduate school, where professionals are trained.
>>>
>>>Jeff has a PhD in physics from the University of California,
>>>Irvine, and
>>he draws many of his examples from the predicament of employed
>>physicists and physics graduate students. (In one chapter, he
>>examines the physics PhD qualifying examination and shows how the
>>seemingly value-neutral test identifies candidates who have the

> >"right attitude" about their work.) His book details the battle one
> >must fight to be an independent thinker and to advance one's own
> >social vision in today's corporate society. It offers advice on how
> >to make employment more than an exercise in knowing your place, and
> >how to make graduate school more than an abusive "intellectual bootcamp" that breaks the individual in to playing
a conventional role.
> >You can avoid the cynicism and intellectual timidity that afflicts so
> >many professional employees, he says, but doing so is not easy, and
> >he discusses how it can be done.
> >>
> >>While at Physics Today, Jeff played the most prominent role in
> >>staff
> >efforts to improve working conditions, increase staff participation
> >in decision-making, and broaden the range of viewpoints allowed in
> >the magazine. He also led an effort to force Physics Today to live
> >up to its advertised claim of being an affirmative-action employer,
> >noting that the magazine was hiring and training only whites as
> >editors, a pattern that eventually left the magazine with an
> >all-white staff of 16 professionals and a non-white secretarial staff of 3.
> >>
> >>In firing Jeff, the managers at Physics Today cited a statement, at
> >>the
> >beginning of Disciplined Minds, that he had done some work on the
> >book in his office. Such use of time constitutes "misconduct," they
> >said. But to those familiar with the Physics Today workplace, this
> >charge looks more like a pretext to get rid of someone who was
> >persistently pressing for changes in workplace policies. Indeed, the
> >fact that the magazine's managers dismissed Jeff after so many years
> >of service not only without a hearing, but also without asking him a
> >single question about his work on the book, suggests that they were looking for an opportunity to remove him.
> >>
> >>By the time Disciplined Minds was published, Physics Today's
> >>managers had
> >already tried unsuccessfully to silence Jeff with repressive measures
> >just short of dismissal. At one point, for example, they put gag
> >orders on Jeff and another outspoken staff editor, warning that they
> >would be fired if they said anything "counterproductive." These
> >orders were eventually lifted due to pressure from coworkers.
> >Perhaps even more incredibly, Physics Today also banned private
> >conversations in the workplace, announcing that all conversations
> >between staff members must be open to monitoring by managers. In
> >light of this history, Physics Today's response to Disciplined Minds is less surprising.
> >>
> >>The managers at Physics Today apparently thought the book would
> >>look so
> >provocative to others that no one would object if they fired Jeff.
> >They were wrong. To date, there have been many protests: by sixteen
> >former Physics Today staff members (including us), by the National
> >Writers Union, and by 160 scholars, writers and educators in a wide
> >range of fields. Even the State of Maryland, after an unemployment

> > benefits hearing, rejected AIP's charge that Jeff's work on the book
> > at the office constituted misconduct, finding that Physics Today
> > fired Jeff without evidence that his spare-time writing interfered
> > with his work for the magazine. (During the years that Jeff was
> > writing Disciplined Minds, Physics Today gave him two promotions and
> > 19 salary increases based explicitly on the quantity and quality of
> > his work for the magazine.) Details of the state investigation are
> > posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and
reviews of the book.

> > >

> > > Jeff recently took his case to one of the ten largest law firms in
> > Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt
> > that Physics Today's actions, if left unchallenged, would set a bad
> > precedent for employees everywhere. They waived their fees and will
> > do what they can to bring legal challenges against Physics Today's
> > repressive behavior, simply for the public good. Physics Today has
> > hired what union activists and labor lawyers call the most notorious
> > union-busting law firm in the country (Jackson, Lewis, Schnitzler &
> > Krupman) to deal with any legal challenges in this case. That's
> > revealing, but it doesn't mean that the law is a likely source of
> > justice for Jeff. The law generally favors employers, and so Jeff's
> > best chance for justice is support from the physics community.

> > >

> > > Please consider adding your name to the letter below or writing
> > your own
> > letter. You can also spread the word by telling your friends and
> > colleagues about Jeff's case, by linking your Web site to
> > <http://disciplined-minds.com> and, if you are an instructor, by
> > informing your students about Jeff's situation.

> > >

> > > You can contact Jeff at...

> > >

> > > Jeff Schmidt

> > > 3003 Van Ness Street NW #W406

> > > Washington, DC 20008

> > > jeffschmidt@alumni.uci.edu

> > > 202-537-3645

> > >

> > > (The above is based on information from Jeff and other former

> > > Physics

> > > Today employees, and on relevant documents. You can contact us at

> > > christophermohr@hotmail.com and jean_kumagai@hotmail.com)

> > >

> > > -----

> > >

> > > The letter...

> > >

> > > To: Marc H. Brodsky

> > > Executive Director and CEO

> > > American Institute of Physics

>>>One Physics Ellipse
>>>College Park, Maryland 20740
>>>
>>>Dear Dr. Brodsky:
>>>
>>>As physicists and other scientists concerned about freedom of
>>>expression
>>in the science community, we were troubled to learn of your dismissal
>>of Jeff Schmidt, who had been an articles editor at Physics Today
>>magazine for over 19 years.
>>>
>>>As we understand it, you fired Jeff after you saw his book,
>>>Disciplined
>>Minds, and in particular after you learned that Jeff had used some of
>>his spare time at the office for critical writing about education and
>>employment in physics and other fields.
>>>
>>>While we do not necessarily agree with Jeff's views about the
>>>situation of
>>physicists and other salaried professionals, and do not expect you
>>to, we believe that free debate within the physics community is
>>healthy. We expect you to encourage it, not stifle it, especially
>>because physicists are known for speaking out when physicists
>>internationally are punished for expressing their views. Your
>>actions as head of the American Institute of Physics help to shape
>>society's view of the physics community. We urge you to reconsider
>>your decision, and offer to reinstate Jeff as an editor at Physics Today.
>>>
>>>We ask that you publish this letter in Physics Today, to bring our
>>concerns to the attention of the wider physics community.
>>>
>>>Sincerely,
>>>
>>>(This letter expresses the views of the undersigned; affiliations
>>>are
>>listed for identification only. Those of us whose names are marked
>>with asterisks worked with Jeff directly, as he edited our articles
>>for publication in Physics Today, and can attest that he does
>>excellent, conscientious work.)
>>>
>>>
>>>
>>>
>>>
>>>*****
>>John F. McClelland
>>Group Leader - Applied Spectroscopy Group Ames Laboratory / Iowa
>>State University
>>107 Spedding Hall
>>Ames, IA 50011
>>515 294 7948 (voice) / 515 294 4748 (fax)

> *****

Carroll, Diane (Long Island)

From: Sam Marateck ["marateck@acpgate.acp.org"]
Sent: Sunday, September 02, 2001 8:35 PM
To: brodsky@aip.org
Subject: Re: Jeff Schmidt

Attachments: Header



Header (989 B)

Dear Dr. Brodsky,

Thanks for your quick reply.

It seems harsh to dismiss someone because of some phrase that is open to interpretation that he used in his book. From what I read, Jeff Schmidt did a good job in the work place. Why risk jeopardizing AIP's and APS' sterling reputation because of a trivial matter?

Thank you,

Samuel Marateck

On Sun, 2 Sep 2001, Marc Brodsky wrote:

- > Dear Dr. Marateck,
- > I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.
- >
- > Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.
- >
- > Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.
- >
- > AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.
- >
- > "The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I

felt that I had no choice but to do it that way....' "

>

> The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

>

> "given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

>

> I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

>

> Marc Brodsky

>

> >>> Sam Marateck <marateck@cs.nyu.edu> 08/28/01 10:07PM >>>

> Dear DR. Brodsky

>

> What is the AIP's version of the Schmidt case.

>

> Thank you,

>

> --Samuel Marateck

>

>

>

Carroll, Diane (Long Island)

From: Peter D. Noerdlinger ["pnoerdli@acpgate.acp.org"]
Sent: Monday, September 03, 2001 12:53 AM
To: brodsky@aip.org
Cc: george@meitner.phys.uh.edu
Subject: Re: Re: Physicist fired for writing book

Attachments: Noerdlinger, Peter.vcf; Header



Noerdlinger, Header (1 KB)
eter.vcf (899 B).

Dear Mr. Brodsky

Thank you for your reply.

I did read the NLRB finding in detail.

Apparently the facts about the "stolen time" are in dispute.

I still am inclined to believe that if Mr. Schmidt had taken some office time to participate in an investment club, or to write a book supportive of increasing the government funding to physics, or to debunk flying saucers (one more time!) you or your staff would not have dismissed him, but would have imposed a lesser sanction.

Of course, I have no idea what Mr. Schmidt is asking for in damages. I would be interested to learn. If he is just asking to be rehired, with back pay, that would not seem very expensive.

By the way, my name is Noerdlinger, not Noedlinger.

Sincerely,

Peter D. Noerdlinger

-----Original Message-----

From: Marc Brodsky <brodsky@aip.org>
To: pnoerdli@ix.netcom.com <pnoerdli@ix.netcom.com>
Date: Sunday, September 02, 2001 2:54 PM
Subject: Re: Re: Physicist fired for writing book

Dear Dr. Noedlinger,

Once some brings legal action against AIP, we have no choice but to defend ourselves or pay the penalties the court assesses.

AIP has not started any of the legal actions involving Mr. Schmidt.

In the State of Maryland unemployment case, AIP did not offer any defense.

We decided not to try to prevent Mr. Schmidt from collecting unemployment benefits. No one from AIP appeared, no one testified, no one offered a defense.

You seem not to have commented on the NLRB ruling. It was clear from the NLRB ruling that Mr. Schmidt was not discharged for being a whistle-blower.

You do not pay dues directly to AIP, but to whichever member society you belong to. Each society gave AIP \$4.61 this year for each of its members, of which \$2.61 went to Physics Today.

You may request from your member society that your name be taken off the PT subscriber list if you wish.

Marc Brodsky

>>> "Peter D. Noerdlinger" <pnoerdli@ix.netcom.com> 09/01/01 04:02PM >>>

Mr. Brodsky,

I was interested to hear from you.

But how much are you paying to Jackson, Lewis, Schnitzler & Krupman? And what about the Maryland unemployment board's finding, to quote:

"Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that Physics Today fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. "

I still do not approve of your actions and I do not want my dues or subscription costs to go to a lawsuit of this kind.

The main problem is not just Mr. Schmidt (though it might be misuse of AIP funds and resources, e.g. for Msrs. Jackson, Lewis, Schnitzler & Krupman.) It is that pressure and fear assail the ability of whistle-blowers to "blow the whistle." I have seen this and been through this. It is chilling to the workplace.

I insist that you cease payments to Jackson, Lewis, Schnitzler & Krupman forthwith.

Peter D. Noerdlinger

-----Original Message-----

From: Marc Brodsky <brodsky@aip.org>

To: pdnoerd@ix.netcom.com <pdnoerd@ix.netcom.com>

Date: Saturday, September 01, 2001 12:13 PM

Subject: Fwd: Re: Physicist fired for writing book

Dear Dr. Noerdlinger,

I agree Schmidt has a right to publish.

AIP, I believe, has a right to reasonable expectations that employees do not steal or say they are stealing from the organization. Also see below, Marc Brodsky

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky
August 31, 2001

>>> <pdnoerd@ix.netcom.com> 08/24/01 06:49PM >>>
My Dear Mr. Brodsky,

I see I omitted you as recipient on this mail and I now make up for the omission.

Also for "the society" please read "the institute" or "The American Physical Society."

pdn

pdnoerd@ix.netcom.com wrote:

> My dear Mr. Brodsky:

I most strongly object to your spending my dues to pay Jackson, Lewis, Schnitzler & Krupman to pursue your defense of a lawsuit. I expect my dues to go towards furthering the future of physics and the dissemination of knowledge about physicists and physics, and to enhance their intercommunication. If you persist in mis-spending

from the APS budget you may face more lawsuits on that - I'd be glad to join one.

I also object to any racial/ethnic imbalance in your office(s) and urge you to remedy such if any.

Your actions appear to have, with little pretext, damaged Mr. Jeff Schmidt .

If it goes any farther you will damage the reputation of physicists and perhaps of physics. You may not be old enough to remember the Velikovsky affair. I do. You may see some of the correspondence at:

<http://www.varchive.org/cor/1950.htm>

The key entry is perhaps this one:

<http://www.varchive.org/cor/affair/500118shamac.htm>

wherein Shapley tried to prevent Macmillan from publishing Velikovsky's work. Correct or wrong, Mr. Schmidt has a right to publish!

Dr. Shapley not only failed to suppress Velikovsky's work (which I of course regard as preposterous, but, nevertheless, not to be suppressed) but added to the publicity for it! Worlds in Collision, Ages in Chaos, and the world of science - physics and astronomy - made to look like a sort of cosmic Mafia by suppressing something that would eventually fall of its own weight anyway! Ages in Chaos became Scientists in Chaos.

The press will surely pick up on this Schmidt item if you do not yield soon; it may already be too late.

You are making bumblings of yourself, of Physics Today, and, by implication, your society membership by your actions.

Yours truly,

Peter D. Noerdlinger

Fellow, APS

Senior Scientist, Raytheon Corp.

(affiliation listed for identification purposes only)

SpeechRights@aol.com wrote:

> Dear fellow scientist,

As you may have heard, Physics Today magazine recently gave a very punishing review to a book written by physicist Jeff Schmidt: The magazine fired him.

Jeff was a staff editor at Physics Today for 19 years -- until his supervisors saw Disciplined Minds (Rowman & Littlefield, 2000), a thought-provoking critique of workplace hierarchy and the politically subordinate role of salaried professionals. The book uses physicists and physics graduate school to help illustrate points about professionals and professional training in general.

Within days of learning about his irreverent book, the higher-ups at Physics Today dismissed Jeff summarily, apparently using the book as an opportunity to retaliate against him for his workplace activism and to ignore his widely praised work for the magazine. Details of Jeff's firing are given in the statement below, and can also be found on the Web at <http://disciplined-minds.com>

Please join us in protesting Jeff's dismissal, by adding your name to the letter below. We will send the letter to

Marc H. Brodsky, Executive Director and CEO of the American Institute of Physics, which publishes Physics Today, and we will also post it on the Web.

To add your name to the letter, please send an e-mail message to SpeechRights@aol.com. Include your name and an affiliation, such as your department and institution. Please ask others to add their names, too.

You can also write directly to Marc Brodsky, at brodsky@aip.org. If you do, please send a copy of your letter to SpeechRights@aol.com so that it can be posted on the Web. We may send you updates on this issue (if you prefer not to receive them, just let us know).

Your support will make a big difference.

Sincerely,

Talat Rahman
Fellow of the American Physical Society
University Distinguished Professor
Department of Physics
Kansas State University

George F. Reiter
Professor of Physics
University of Houston

Michael A. Lee
Professor of Physics
Kent State University

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By Chris Mohr and Jean Kumagai
Former Physics Today staff members

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The managers at Physics Today apparently thought the book would look so provocative to others that no one would object if they fired Jeff. They were wrong. To date, there have been many protests: by sixteen former Physics Today staff members (including us), by the National Writers Union, and by 160 scholars, writers and educators in a wide range of fields. Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that Physics Today fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. (During the years that Jeff was writing *Disciplined Minds*, Physics Today gave him two promotions and 19 salary increases based explicitly on the quantity and quality of his work for the magazine.) Details of the state investigation are posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and !

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Please consider adding your name to the letter below or writing your own letter. You can also spread the word by telling your friends and colleagues about Jeff's case, by linking your Web site to <http://disciplined-minds.com> and, if you are an instructor, by informing your students about Jeff's situation.

You can contact Jeff at...

Jeff Schmidt
3003 Van Ness Street NW #W406
Washington, DC 20008
jeffschmidt@alumni.uci.edu
202-537-3645

(The above is based on information from Jeff and other former Physics Today employees, and on relevant documents. You can contact us at christophermohr@hotmail.com and jean_kumagai@hotmail.com)

The letter...

To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, Disciplined Minds, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views. Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

(This letter expresses the views of the undersigned; affiliations are listed for identification only. Those of us whose names are marked with asterisks worked with Jeff directly, as he edited our articles for publication in Physics Today, and can attest that he does excellent, conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 03, 2001 9:44 AM
To: marateck@cs.nyu.edu
Subject: Re: Jeff Schmidt

You are making assumptions based on one side of a story.

Because of legal proceedings and what I think is a reasonable privacy practice, I do want to comment publically on how well a job this ex-employee did.

MB

>>> Sam Marateck <marateck@cs.nyu.edu> 09/02/01 08:34PM >>>

Dear Dr. Brodsky,

Thanks for your quick reply.

It seems harsh to dismiss someone because of some phrase that is open to interpretation that he used in his book. From what I read, Jeff Schmidt did a good job in the work place. Why risk jeopardizing AIP's and APS' sterling reputation because of a trivial matter?

Thank you,

Samuel Marateck

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>

> Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

>

> Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

>

> AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

>

> "The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which

contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

>

> The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

>

> "given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

>

> I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

>

> Marc Brodsky

>

> >>> Sam Marateck <marateck@cs.nyu.edu> 08/28/01 10:07PM >>>

> Dear DR. Brodsky

>

> What is the AIP's version of the Schmidt case.

>

> Thank you,

>

> --Samuel Marateck

>

>

>

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 03, 2001 9:49 AM
To: mtec@mtecpas.com
Subject: Re: Fwd: Physicist fired for writing book

Dear Dr. McClelland,

The stolen time issue in the context of productivity goals we have for our employees is not a bogus issue. Nor is the statement about stolen time. How would you feel if your employee said he/she was stealing from you? How comfortable would you be with that person on your premises? Many members of the physics community have written to me in support.
Marc

>>> <mtec@mtecpas.com> 09/02/01 06:10PM >>>

Dear Mr. Brodsky,

Thanks for responding to my inquiry. I have tried to gather the information necessary to fairly understand both sides of this issue and your input has been valuable.

After going through this process, I have to say that the actions of the AIP regarding Jeff Schmidt's termination concern me a great deal. Quite frankly I'm aghast that the organization that represents my profession and that I have supported for many years would engage in such behavior. Doesn't anyone at AIP understand the full implications of what this action means?

Furthermore, I seriously doubt that the majority of physicists who have supported AIP would be comfortable with the treatment of Jeff Schmidt.

Please understand that your belief the AIP has not violated federal law is hardly the point. Most people who look into what occurred are going to suspect early on that the "stolen time" issue is bogus and that this is really about personality clashes and difficulty within AIP recognizing the importance of examining matters of great importance to the profession from different perspectives. While it may not work to have all of the Physics Today editors with Schmidt's outlook, our profession was truly lucky to have one regardless of any personality considerations.

I hope that you will reinstate Schmidt immediately. To do so will save a lot of people a lot of time and expense and it is simply the only reasonable course of action at this point. I feel that the physics community would be best served if the matter could be settled without further legal action and further organization of the APS membership against the AIP actions. Both will inevitably occur unless you take action. Please seriously consider an early closure.

Sincerely,
John McClelland
Group Leader, Ames Laboratory-USDOE
Adjunct Faculty, Mechanical Engineering
Iowa State University
Research Director, MTEC Photoacoustics, Inc.

At 12:41 PM 9/1/01 -0400, you wrote:

>Dear Mr. McClelland.

>Thank you for asking.

>I am writing in response to your recent inquiry regarding the
>circumstances surrounding Jeff Schmidt's termination. Since legal

D01023

>proceedings are pending in response to Mr. Schmidt's claims, I am
>providing only a brief statement of AIP's position. At the outset,
>please note that there has been no finding that the discharge of Mr.
>Schmidt violated any federally protected right. AIP is not involved in
>similar legal proceedings with any other incumbent or former employee.
>Also, I personally assure you that Mr. Schmidt's termination had
>nothing to do with the subject matter of his book.

>

>Some who have written to me, made reference to APS. APS was not Mr.
>Schmidt's employer. AIP was.

>

>Mr. Schmidt was discharged by AIP after he stated, in the introduction
>to his book, that it was written on "stolen time". To me, the
>reference to writing it on "stolen time" either meant or implied that
>he wrote the book on paid work time, when, in my opinion, he should
>have been devoting his energies to AIP. In brief, while being paid by
>AIP, Mr. Schmidt's comment communicates, in our view, that he was
>pursuing activities beyond what he was supposed to be doing on work time.

>

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>Equal Employment Opportunity Commission, the National Labor Relations
>Board or any other government agency to present questions regarding
>their employment or the termination thereof. AIP firmly believes that
>it has not engaged in any improper behavior. To date, no agency has
>found that AIP violated any law. In fact, below I quote from the
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>

> "The evidence in this regard indicates that Mr. Schmidt had a
> non-work related book published which contained an introduction with
> the following words: 'This book is stolen. Written in part on stolen
> time, that is, I felt that I had no choice but to do it that way....' "

>

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>actually "steal" company time, but "merely engaged in literary
>hyperbole in his book introduction." The NLRB found that:

>

> "given the nature of the work involved in this matter, it was
> concluded that the Employer has some justification for taking Mr.
> Schmidt at his word rather than treating this as a mere literary
> device to catch the interest of a reader. Moreover, and most significantly, even if Mr.
> Schmidt did not actually work on his book project on company time, by
> asserting that he did, he served to undercut Employer's efforts at
> enhancing employee productivity."

>

>I hope that you find these brief remarks to be responsive to your
>questions and concerns. I hope you can appreciate our position. AIP is
>committed to the physics community and to its members. As an employer,
>we try to act appropriately. We are proud of our work atmosphere and
>the high morale of our employees. Thank you for your interest.

>

>Marc Brodsky
>August 31, 2001
>
> >>> <mtec@mtecpas.com> 08/25/01 12:29AM >>>
>I would be interested in knowing the AIP position on the information
>below before responding to it. Any response that you might care to make
>would be most appreciated.
>John McClelland
>
> >Delivered-To: mtec-mtecpas:com-john@mtecpas.com
> >X-Envelope-To: john@mtecpas.com
> >Date: Fri, 24 Aug 2001 22:48:35 -0500
> >From: John McClelland <johnfm@iastate.edu>
> >Subject: Physicist fired for writing book
> >X-Sender: mclella@ameslab.gov
> >To: john@mtecpas.com
> >X-Mailer: QUALCOMM Windows Eudora Pro Version 3.0.3 (32)
> >
> > >Date: Fri, 24 Aug 2001 20:53:00 -0700
> > >From: Speech Rights <SpeechRights@aol.com>
> > >Subject: Physicist fired for writing book
> > >To: mclelland@ameslab.gov
> > >Reply-to: SpeechRights@aol.com
> > >X-Mailer: NetMailer v1.00 (<http://www.alphasoftware.com/netmailer>)
> > > [C.R-D68D966D2441A1D0953]
> > >
> > >Dear fellow scientist,
> > >
> > >As you may have heard, Physics Today magazine recently gave a very
> > >punishing review to a book written by physicist Jeff Schmidt: The
> > >magazine fired him.
> > >
> > >Jeff was a staff editor at Physics Today for 19 years -- until his
> > >supervisors saw Disciplined Minds (Rowman & Littlefield, 2000), a
> > >thought-provoking critique of workplace hierarchy and the politically
> > >subordinate role of salaried professionals. The book uses physicists
> > >and physics graduate school to help illustrate points about
> > >professionals and professional training in general.
> > >
> > >Within days of learning about his irreverent book, the higher-ups
> > >at
> > >Physics Today dismissed Jeff summarily, apparently using the book as
> > >an opportunity to retaliate against him for his workplace activism
> > >and to ignore his widely praised work for the magazine. Details of
> > >Jeff's firing are given in the statement below, and can also be found
> > >on the Web at <http://disciplined-minds.com>
> > >
> > >Please join us in protesting Jeff's dismissal, by adding your name
> > >to the
> > >letter below. We will send the letter to Marc H. Brodsky, Executive

>>Director and CEO of the American Institute of Physics, which
>>publishes Physics Today, and we will also post it on the Web.
>>>
>>>To add your name to the letter, please send an e-mail message to
>>SpeechRights@aol.com. Include your name and an affiliation, such as
>>your department and institution. Please ask others to add their names, too.
>>>
>>>You can also write directly to Marc Brodsky, at brodsky@aip.org.
>>>If you
>>do, please send a copy of your letter to SpeechRights@aol.com so that
>>it can be posted on the Web. We may send you updates on this issue
>>(if you prefer not to receive them, just let us know).
>>>
>>>Your support will make a big difference.
>>>
>>>Sincerely,
>>>
>>>Talat Rahman
>>>Fellow of the American Physical Society University Distinguished
>>>Professor Department of Physics Kansas State University
>>>
>>>George F. Reiter
>>>Professor of Physics
>>>University of Houston
>>>
>>>Michael A. Lee
>>>Professor of Physics
>>>Kent State University
>>>
>>>-----
>>>
>>>Background info about Jeff Schmidt and Disciplined Minds
>>>
>>>By Chris Mohr and Jean Kumagai
>>>Former Physics Today staff members
>>>
>>>In Disciplined Minds, Jeff Schmidt challenges professionals to view
>>>their
>>role in society in a new and unsettling way. He argues that
>>professional work has both technical and political components, and
>>that salaried professionals are expected to be technically creative
>>but politically subordinate. In particular, they are expected to
>>work creatively to further their employers' world view rather than
>>their own. Such subordination does not occur without a fight, the
>>book maintains, and so the workplace becomes a battleground for the
>>very identity of the individual, as does graduate school, where professionals are trained.
>>>
>>>Jeff has a PhD in physics from the University of California,
>>>Irvine, and
>>he draws many of his examples from the predicament of employed

> > physicists and physics graduate students. (In one chapter, he
> > examines the physics PhD qualifying examination and shows how the
> > seemingly value-neutral test identifies candidates who have the
> > "right attitude" about their work.) His book details the battle one
> > must fight to be an independent thinker and to advance one's own
> > social vision in today's corporate society. It offers advice on how
> > to make employment more than an exercise in knowing your place, and
> > how to make graduate school more than an abusive "intellectual bootcamp" that breaks the individual in to playing
a conventional role.

> > You can avoid the cynicism and intellectual timidity that afflicts so
> > many professional employees, he says, but doing so is not easy, and
> > he discusses how it can be done.

> > >

> > > While at Physics Today, Jeff played the most prominent role in
> > > staff
> > efforts to improve working conditions, increase staff participation
> > in decision-making, and broaden the range of viewpoints allowed in
> > the magazine. He also led an effort to force Physics Today to live
> > up to its advertised claim of being an affirmative-action employer,
> > noting that the magazine was hiring and training only whites as
> > editors, a pattern that eventually left the magazine with an
> > all-white staff of 16 professionals and a non-white secretarial staff of 3.

> > >

> > > In firing Jeff, the managers at Physics Today cited a statement, at
> > > the
> > beginning of Disciplined Minds, that he had done some work on the
> > book in his office. Such use of time constitutes "misconduct," they
> > said. But to those familiar with the Physics Today workplace, this
> > charge looks more like a pretext to get rid of someone who was
> > persistently pressing for changes in workplace policies. Indeed, the
> > fact that the magazine's managers dismissed Jeff after so many years
> > of service not only without a hearing, but also without asking him a
> > single question about his work on the book, suggests that they were looking for an opportunity to remove him.

> > >

> > > By the time Disciplined Minds was published, Physics Today's
> > > managers had
> > already tried unsuccessfully to silence Jeff with repressive measures
> > just short of dismissal. At one point, for example, they put gag
> > orders on Jeff and another outspoken staff editor, warning that they
> > would be fired if they said anything "counterproductive." These
> > orders were eventually lifted due to pressure from coworkers.
> > Perhaps even more incredibly, Physics Today also banned private
> > conversations in the workplace, announcing that all conversations
> > between staff members must be open to monitoring by managers. In
> > light of this history, Physics Today's response to Disciplined Minds is less surprising.

> > >

> > > The managers at Physics Today apparently thought the book would
> > > look so
> > provocative to others that no one would object if they fired Jeff.
> > They were wrong. To date, there have been many protests: by sixteen

> > former Physics Today staff members (including us), by the National
> > Writers Union, and by 160 scholars, writers and educators in a wide
> > range of fields. Even the State of Maryland, after an unemployment
> > benefits hearing, rejected AIP's charge that Jeff's work on the book
> > at the office constituted misconduct, finding that Physics Today
> > fired Jeff without evidence that his spare-time writing interfered
> > with his work for the magazine. (During the years that Jeff was
> > writing Disciplined Minds, Physics Today gave him two promotions and
> > 19 salary increases based explicitly on the quantity and quality of
> > his work for the magazine.) Details of the state investigation are
> > posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and
reviews of the book.

> > >

> > > Jeff recently took his case to one of the ten largest law firms in
> > Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt
> > that Physics Today's actions, if left unchallenged, would set a bad
> > precedent for employees everywhere. They waived their fees and will
> > do what they can to bring legal challenges against Physics Today's
> > repressive behavior, simply for the public good. Physics Today has
> > hired what union activists and labor lawyers call the most notorious
> > union-busting law firm in the country (Jackson, Lewis, Schnitzler &
> > Krupman) to deal with any legal challenges in this case. That's
> > revealing, but it doesn't mean that the law is a likely source of
> > justice for Jeff. The law generally favors employers, and so Jeff's
> > best chance for justice is support from the physics community.

> > >

> > > Please consider adding your name to the letter below or writing
> > your own
> > letter. You can also spread the word by telling your friends and
> > colleagues about Jeff's case, by linking your Web site to
> > <http://disciplined-minds.com> and, if you are an instructor, by
> > informing your students about Jeff's situation.

> > >

> > > You can contact Jeff at...

> > >

> > > Jeff Schmidt

> > > 3003 Van Ness Street NW #W406

> > > Washington, DC 20008

> > > jeffschmidt@alumni.uci.edu

> > > 202-537-3645

> > >

> > > (The above is based on information from Jeff and other former

> > > Physics

> > > Today employees, and on relevant documents. You can contact us at

> > > christophermohr@hotmail.com and jean_kumagai@hotmail.com)

> > >

> > > -----

> > >

> > > The letter...

> > >

D01028

>>>To: Marc H. Brodsky
>>>Executive Director and CEO
>>>American Institute of Physics
>>>One Physics Ellipse
>>>College Park, Maryland 20740
>>>
>>>Dear Dr. Brodsky:
>>>
>>>As physicists and other scientists concerned about freedom of
>>>expression
>>>in the science community, we were troubled to learn of your dismissal
>>>of Jeff Schmidt, who had been an articles editor at Physics Today
>>>magazine for over 19 years.
>>>
>>>As we understand it, you fired Jeff after you saw his book,
>>>Disciplined
>>>Minds, and in particular after you learned that Jeff had used some of
>>>his spare time at the office for critical writing about education and
>>>employment in physics and other fields.
>>>
>>>While we do not necessarily agree with Jeff's views about the
>>>situation of
>>>physicists and other salaried professionals, and do not expect you
>>>to, we believe that free debate within the physics community is
>>>healthy. We expect you to encourage it, not stifle it, especially
>>>because physicists are known for speaking out when physicists
>>>internationally are punished for expressing their views. Your
>>>actions as head of the American Institute of Physics help to shape
>>>society's view of the physics community. We urge you to reconsider
>>>your decision, and offer to reinstate Jeff as an editor at Physics Today.
>>>
>>>We ask that you publish this letter in Physics Today, to bring our
>>>concerns to the attention of the wider physics community.
>>>
>>>Sincerely,
>>>
>>>(This letter expresses the views of the undersigned; affiliations
>>>are
>>>listed for identification only. Those of us whose names are marked
>>>with asterisks worked with Jeff directly, as he edited our articles
>>>for publication in Physics Today, and can attest that he does
>>>excellent, conscientious work.)
>>>
>>>
>>>
>>>
>>>*****
>>>John F. McClelland
>>>Group Leader - Applied Spectroscopy Group Ames Laboratory / Iowa
>>>State University

> >107 Spedding Hall
> >Ames, IA 50011
> >515 294 7948 (voice) / 515 294 4748 (fax)
> >*****

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 03, 2001 9:52 AM
To: rjohnston@imsmaxims.com
Subject: Re: Firing of Jeff Schmidt

Why do you the issue is marginal time?

That's the problem of one side being free to comment and the other being restricted by litigation issues.
marc

>>> "Roy Johnston" <rjohnston@imsmaxims.com> 09/03/01 07:35AM >>>

D01031

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 03, 2001 10:38 PM
To: vtrimble@astro.umd.edu
Subject: Re: Jeff Schmidt

Dear Virginia,

Thank you for your inquiry and suggestion.

I am reluctant to make a public statement about an ex-employee involved in an employment dispute with us; in this regard the world is very asymmetrical. However I am answering individuals who write or email me. Below you can see what I am saying. You can share that info with individuals, but please do not post it or mass mail it.

I have written earlier to the AIP GB and member Society executive officers. I will do so again.

Thanks,

Marc

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Virginia Trimble <vtrimble@astro.umd.edu> 09/03/01 03:22PM >>>

Marc -

Is there any chance that the AIP/Physics Today side of this story might be put into a generic email to members, or at least officers, of the constituent societies and thereby reach most of the people who received the "speech rights"

memorandum from Talat Rahman et al? Talat was a UCI postdoc long ago, and I liked her a lot, but even nice people (especially nice people?) are sometimes wrong!

Best regards,

Virginia

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 03, 2001 10:50 PM
To: katz@wuphys.wustl.edu
Subject: Re: Physicist fired for writing book

Dear Dr. Katz,

Well, you have made a listing of many items, some of which are probably justly protected and many of which were brought before the NLRB for their consideration. I hope you have some faith in their deliberations. If we were being retaliatory or arbitrary, that is what they are there for. If you had someone in your employ who said they were stealing from you, would you want them on your premises?

If and when employees bring up subjects of safety, illegal acts, harrasment, I always investigate and take great pains to thank employees and not to discourage employees either via retaliation or even hints thereof. Why do you assume so much bias on my part in an employee-employer dispute? These matters are not the kind that are genrally discussed in public - for good reasons of privacy of the indivuals involved.

M

>>> <katz@wuphys.wustl.edu> 09/03/01 10:52AM >>>

Well, you have convinced the NLRB of your case, but let's see what you have convinced them of: That you can fire someone for saying or publishing, outside of the workplace, something that might reduce the efficiency of the workplace. That covers just about anything, including disclosure of unsafe working conditions, disclosure of illegal acts going on in the workplace, disclosure of sexual harassment in the workplace (that one is really fashionable these days), disclosure of management failures (precisely the implication of Mr. Schmidt's assertion that he was able to write part of his book at work) or suggesting that workers should have rest breaks. Any of these (in fact, almost anything short of a perfectly Stakhanovite paean to management) might be construed as interfering with management's efforts to improve the efficiency of the workplace.

I doubt that this will stand up in court. The law is usually very protective of workers' exercise of their constitutional rights outside of the workplace. Even if you do win the inevitable lawsuit, you will have established that AIP is a bad place in which to work (and will have publicized this fact throughout the physics community). The longer this goes on (Mr. Schmidt and his lawyers, recognizing that publicity is their best ally, will make sure it goes on a long time), the worse you will look.

Your employers are ultimately the membership of AIP's constituent societies.

These people (mostly professors) tend to be very sensitive to any infringement of freedom of expression, whatever the legal technicalities.

There is someone (I am sorry, I forget his name) doing systems analysis at the Pentagon who is well known (and disliked) there for his critical analyses of various weapons systems with influential backers. Yet, they haven't tried to fire him. The National Laboratories have on their staffs vigorous public critics of their defense programs. Does the AIP wish to be known as less tolerant of dissent than the military and weapons establishments?

My advice is to cut your losses and give this guy his job back, however unfair you found his book (I haven't seen it, but the whole point at issue, in the court of public opinion, is that the content of his book should be irrelevant to his employment at AIP). If not, this is going to be like fighting a tar-baby. Isn't that a management failure?

Jonathan Katz
Professor of Physics
Washington University

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 03, 2001 10:57 PM
To: hkurthen@notes.cc.sunysb.edu
Subject: Re: Dismissal of Jeff Schmidt from Physics Today

Dear Dr. Burthen,

I tried to point out to you that the world is asymmetrical and that I am not as free to discuss details about an individual as others are to make statements about me and AIP. That is why I respond to you as an individual and try to avoid public statements about an ex-employee. To me it was neither hyperbole nor a good example to hold forth for other employees for one to say he or she is stealing from an employer. If some said they were stealing from you, would you want them on your premises?

M

>>> Hermann Burthen <hkurthen@notes.cc.sunysb.edu> 09/03/01 11:00AM >>>

Dear Mr. Brodsky,

I understand from your response that you fired Mr. Schmidt in response to a "hyperbole" in Schmidt's book introduction.

Do you have any other proof that he "abused" his employment contract? If not, I believe your dismissal reason is weak and very superficial, and will not hold up to further legal, professional, and ethical scrutiny.

I hope you, AIP, "Physics Today," or whoever else involved will do the utmost to solve this issue in a fair, reasonable, and for both parties satisfactory way as soon as possible.

Otherwise, I fear this issue will create more unwanted and damaging domestic and international publicity for you, AIP, and for "Physics Today."

Sincerely,

Dr. Hermann Kurthen

Assistant Professor in the Dept. of Sociology Co-Editor International Sociology Director of the Federated Learning Community Program State University of New York at Stony Brook Stony Brook, NY 11794-4356
ph: (632) 632-7717, fax: (631) 632-8203

Carroll, Diane (Long Island)

From: Norm Whitley ["nlwme@acpgate.acp.org"]
Sent: Tuesday, September 04, 2001 1:39 PM
To: brodsky@aip.org
Subject: Re: Regarding the dismissal of Jeff Schmidt

Attachments: Header



Header (1 KB)

Thank you for this note. I am glad to have more information about the circumstances leading up to the dismissal of Mr. Schmidt.

Norm Whitley

Marc Brodsky wrote:

- > Dear Dr. Whitley,
- > I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.
- >
- > Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.
- >
- > Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.
- >
- > AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.
- >
- > "The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "
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- > The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:
- >
- > "given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the

interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

>

> I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

>

> Marc Brodsky

> August 31, 2001

>

> >>> Norm Whitley <nlwme@uno.edu> 08/25/01 05:17PM >>>

> To: Marc H. Brodsky

> Executive Director and CEO

> American Institute of Physics

> One Physics Ellipse

> College Park, Maryland 20740

>

> Dear Dr. Brodsky:

>

> As physicists and other scientists concerned about freedom of
> expression in the science community, we were troubled to learn of your
> dismissal of Jeff Schmidt, who had been an articles editor at Physics
> Today magazine for over 19 years.

>

> As we understand it, you fired Jeff after you saw his book,
> Disciplined Minds, and in particular after you learned that Jeff had
> used some of his spare time at the office for critical writing about
> education and employment in physics and other fields.

>

> While we do not necessarily agree with Jeff's views about the
> situation of physicists and other salaried professionals, and do not
> expect you to, we believe that free debate within the physics
> community is healthy. We expect you to encourage it, not stifle it,
> especially because physicists are known for speaking out when
> physicists internationally are punished for expressing their views.
> Your actions as head of the American Institute of Physics help to
> shape society's view of the physics community. We urge you to
> reconsider your decision, and offer to reinstate Jeff as an editor at
> Physics Today.

>

> We ask that you publish this letter in Physics Today, to bring our
> concerns to the attention of the wider physics community.

>

> Sincerely,

> Norm Whitley

> --

> ## Professor Norman L. Whitley

> ## Department of Mechanical Engineering ## University of New Orleans

> ### New Orleans, LA 70148 ## ## e-mail: nwhitley@uno.edu ## phone:
> (504) 280-7120 ## fax: (504) 280-5539

--

Norman L. Whitley
Department of Mechanical Engineering
University of New Orleans
New Orleans, LA 70148

e-mail: nwhitley@uno.edu
phone: (504) 280-7120
fax: (504) 280-5539

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Tuesday, September 04, 2001 3:22 PM
To: P.B.SMITH@fwn.rug.nl
Subject: Re: Firing of Jeff Schmidt

Dear Dr. Smith,

The content of the book and its view of the physics community were not known to me when I became aware of the "stolen time." I have thought long and hard about what I would do if someone said they were stealing from me for a good cause. I would rather that they ask for something than steal it.

M

>>> <P.B.SMITH@fwn.rug.nl> 9/4/01 1:00:49 PM >>>

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Wednesday, September 05, 2001 9:48 AM
To: cardona@kmr.mpi-stuttgart.mpg.de
Subject: Re: Physicist fired for writing book (fwd)

Dear Manuel,

Of course people use company time for many things. It generally is OK for a professional if he/she gets his/her assigned work done.

Legal advice restricts what I can say publicly about that for this case, but we feel we have a strong case that he was not doing all the work we wanted. So far we have done very well in the litigation he has brought, e.g., the NLRB quotes I sent you. The State of Maryland ruling touted by some emails I received had to do with the fact that AIP decided not to contest his unemployment benefits. We did not appear at any hearing. There is one other pending charge we have to defend against and we are optimistic.

Marc

>>> Manuel Cardona <cardona@kmr.mpi-stuttgart.mpg.de> 9/5/01 6:11:13 AM

>>> >>>

Dear Marc: Thanks for your prompt reply. Obviously I am not going to get involved without reading the book and, at this point, I do not have time to do it. But let me say something as a "friend of the court". If I read your letter properly, it seems that he has been dismissed solely on the basis of the "stolen time" statement. This seems to me a very flimsy argument. Stolen time may mean stolen from his family, his leisure time, etc. We had a recent case of someone (a grad student) who wrote a big opus trying to prove with scientific methods that Auschwitz never existed. We tried to fire him on the grounds that he had done this, in part, using institute time and means (computer, etc). The courts threw the case out on the basis that "everybody <does it". WE caught him later on different grounds and he ended up with a two-years jail sentence which he never sat out because he fled to England.

Extradiction is not possible because in England saying that Auschwitz never existed is not a crime.

I am sure you exercised the right judgment in this case. Ah yes, we had another case, the editor in chief of Physicalische Blatter (the German Physics Today) who published years ago a letter to the ed which said that Einstein was an Egomaniac Bum. I was a member of the Council WE fired him but the courts forced us to reach an out of court (money) settlement. It doesn't have much to do with the case at hand but I simply wanted to say that the courts are unpredictable everywhere.

As ever Manuel

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Thursday, September 06, 2001 12:39 PM
To: glong@umr.edu
Subject: Re: Physicist fired for writing book

Dear Prof. Long,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> "Gary J. Long" <glong@umr.edu> 9/5/01 12:35:10 PM >>>

Dear Mr. Brodsky,

As an APS and AGU member and a long time reader of Physocs Today, I am really amazed by the following note. I would anticipate signing the letter, but then there is usually another side to any such conflict. Hence, I would appreciate learning from you the "other" side of the story.

I surely will appreciate your taking the time to respond to this note.

Sincerely,
Gary J. Long
Professor of Chemistry

>Delivered-To: glong@umr.edu

>From: Speech Rights <SpeechRights@aol.com>

>To: <glong@umr.edu>

>Reply-To: SpeechRights@aol.com

>Subject: Physicist fired for writing book

>Mime-Version: 1.0

>Status: U

>Date: Fri, 24 Aug 2001 00:07:30 -0700

>

>Dear fellow scientist,

>

>As you may have heard, Physics Today magazine recently gave a very
>punishing review to a book written by physicist Jeff Schmidt: The
>magazine fired him.

>

>Jeff was a staff editor at Physics Today for 19 years -- until his
>supervisors saw Disciplined Minds (Rowman & Littlefield, 2000), a
>thought-provoking critique of workplace hierarchy and the politically
>subordinate role of salaried professionals. The book uses physicists
>and physics graduate school to help illustrate points about
>professionals and professional training in general.

>

>Within days of learning about his irreverent book, the higher-ups at
>Physics Today dismissed Jeff summarily, apparently using the book as an
>opportunity to retaliate against him for his workplace activism and to
>ignore his widely praised work for the magazine. Details of Jeff's
>firing are given in the statement below, and can also be found on the
>Web at <http://disciplined-minds.com>

>

>Please join us in protesting Jeff's dismissal, by adding your name to
>the letter below. We will send the letter to Marc H. Brodsky,
>Executive Director and CEO of the American Institute of Physics, which
>publishes Physics Today, and we will also post it on the Web.

>

>To add your name to the letter, please send an e-mail message to
>SpeechRights@aol.com. Include your name and an affiliation, such as
>your department and institution. Please ask others to add their names, too.

>

>You can also write directly to Marc Brodsky, at brodsky@aip.org. If
>you do, please send a copy of your letter to SpeechRights@aol.com so

D01042

>that it can be posted on the Web. We may send you updates on this
>issue (if you prefer not to receive them, just let us know).

>

>Your support will make a big difference.

>

>Sincerely,

>

>Talat Rahman

>Fellow of the American Physical Society University Distinguished

>Professor Department of Physics Kansas State University

>

>George F. Reiter

>Professor of Physics

>University of Houston

>

>Michael A. Lee

>Professor of Physics

>Kent State University

>

>-----

>

>Background info about Jeff Schmidt and Disciplined Minds

>

>By Chris Mohr and Jean Kumagai

>Former Physics Today staff members

>

>In *Disciplined Minds*, Jeff Schmidt challenges professionals to view
>their role in society in a new and unsettling way. He argues that
>professional work has both technical and political components, and that
>salaried professionals are expected to be technically creative but
>politically subordinate. In particular, they are expected to work
>creatively to further their employers' world view rather than their
>own. Such subordination does not occur without a fight, the book
>maintains, and so the workplace becomes a battleground for the very
>identity of the individual, as does graduate school, where professionals are trained.

>

>Jeff has a PhD in physics from the University of California, Irvine,
>and he draws many of his examples from the predicament of employed
>physicists and physics graduate students. (In one chapter, he examines
>the physics PhD qualifying examination and shows how the seemingly
>value-neutral test identifies candidates who have the "right attitude"
>about their work.) His book details the battle one must fight to be an
>independent thinker and to advance one's own social vision in today's
>corporate society. It offers advice on how to make employment more
>than an exercise in knowing your place, and how to make graduate school
>more than an abusive "intellectual bootcamp" that breaks the individual
>in to playing a conventional role. You can avoid the cynicism and
>intellectual timidity that afflicts so many professional employees, he
>says, but doing so is not easy, and he discusses how it can be done.

>

>While at Physics Today, Jeff played the most prominent role in staff
>efforts to improve working conditions, increase staff participation in
>decision-making, and broaden the range of viewpoints allowed in the
>magazine. He also led an effort to force Physics Today to live up to
>its advertised claim of being an affirmative-action employer, noting
>that the magazine was hiring and training only whites as editors, a
>pattern that eventually left the magazine with an all-white staff of 16
>professionals and a non-white secretarial staff of 3.

>

>In firing Jeff, the managers at Physics Today cited a statement, at the
>beginning of Disciplined Minds, that he had done some work on the book
>in his office. Such use of time constitutes "misconduct," they said.
>But to those familiar with the Physics Today workplace, this charge
>looks more like a pretext to get rid of someone who was persistently
>pressing for changes in workplace policies. Indeed, the fact that the
>magazine's managers dismissed Jeff after so many years of service not
>only without a hearing, but also without asking him a single question
>about his work on the book, suggests that they were looking for an opportunity to remove him.

>

>By the time Disciplined Minds was published, Physics Today's managers
>had already tried unsuccessfully to silence Jeff with repressive
>measures just short of dismissal. At one point, for example, they put
>gag orders on Jeff and another outspoken staff editor, warning that
>they would be fired if they said anything "counterproductive." These
>orders were eventually lifted due to pressure from coworkers. Perhaps
>even more incredibly, Physics Today also banned private conversations
>in the workplace, announcing that all conversations between staff
>members must be open to monitoring by managers. In light of this
>history, Physics Today's response to Disciplined Minds is less surprising.

>

>The managers at Physics Today apparently thought the book would look so
>provocative to others that no one would object if they fired Jeff.
>They were wrong. To date, there have been many protests: by sixteen
>former Physics Today staff members (including us), by the National
>Writers Union, and by 160 scholars, writers and educators in a wide range of fields.
>Even the State of Maryland, after an unemployment benefits hearing,
>rejected AIP's charge that Jeff's work on the book at the office
>constituted misconduct, finding that Physics Today fired Jeff without
>evidence that his spare-time writing interfered with his work for the
>magazine. (During the years that Jeff was writing Disciplined Minds,
>Physics Today gave him two promotions and 19 salary increases based
>explicitly on the quantity and quality of his work for the magazine.)
>Details of the state investigation are posted on the Web at
><http://disciplined-minds.com>, along with the protest letters, reports
>in the press and reviews of the book.

>

>Jeff recently took his case to one of the ten largest law firms in
>Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt
>that Physics Today's actions, if left unchallenged, would set a bad
>precedent for employees everywhere. They waived their fees and will do

>what they can to bring legal challenges against Physics Today's
 >repressive behavior, simply for the public good. Physics Today has
 >hired what union activists and labor lawyers call the most notorious
 >union-busting law firm in the country (Jackson, Lewis, Schnitzler &
 >Krupman) to deal with any legal challenges in this case. That's
 >revealing, but it doesn't mean that the law is a likely source of
 >justice for Jeff. The law generally favors employers, and so Jeff's
 >best chance for justice is support from the physics community.
 >
 >Please consider adding your name to the letter below or writing your
 >own letter. You can also spread the word by telling your friends and
 >colleagues about Jeff's case, by linking your Web site to
 ><http://disciplined-minds.com> and, if you are an instructor, by
 >informing your students about Jeff's situation.
 >
 >You can contact Jeff at...
 >
 >Jeff Schmidt
 >3003 Van Ness Street NW #W406
 >Washington, DC 20008
 >jeffschmidt@alumni.uci.edu
 >202-537-3645
 >
 >(The above is based on information from Jeff and other former Physics
 >Today employees, and on relevant documents. You can contact us at
 >christophermohr@hotmail.com and jean_kumagai@hotmail.com)
 >
 >-----
 >
 >The letter...
 >
 >To: Marc H. Brodsky
 >Executive Director and CEO
 >American Institute of Physics
 >One Physics Ellipse
 >College Park, Maryland 20740
 >
 >Dear Dr. Brodsky:
 >
 >As physicists and other scientists concerned about freedom of
 >expression in the science community, we were troubled to learn of your
 >dismissal of Jeff Schmidt, who had been an articles editor at Physics
 >Today magazine for over 19 years.
 >
 >As we understand it, you fired Jeff after you saw his book, Disciplined
 >Minds, and in particular after you learned that Jeff had used some of
 >his spare time at the office for critical writing about education and
 >employment in physics and other fields.
 >
 >While we do not necessarily agree with Jeff's views about the situation

>of physicists and other salaried professionals, and do not expect you
>to, we believe that free debate within the physics community is
>healthy. We expect you to encourage it, not stifle it, especially
>because physicists are known for speaking out when physicists
>internationally are punished for expressing their views. Your actions
>as head of the American Institute of Physics help to shape society's
>view of the physics community. We urge you to reconsider your
>decision, and offer to reinstate Jeff as an editor at Physics Today.

>

>We ask that you publish this letter in Physics Today, to bring our
>concerns to the attention of the wider physics community.

>

>Sincerely,

>

>(This letter expresses the views of the undersigned; affiliations are
>listed for identification only. Those of us whose names are marked
>with asterisks worked with Jeff directly, as he edited our articles for
>publication in Physics Today, and can attest that he does excellent,
>conscientious work.)

>

=====

Dr Gary J. Long
Department of Chemistry
University of Missouri-Rolla
Rolla MO 65409-0010
Tel: 573-341-4438
glong@umr.edu

=====

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Thursday, September 06, 2001 2:34 PM
To: valeri@ahobon.reduaz.mx
Subject: Re: answer to the request of "SpeechRights"

Dear Dr. Dvoeglazov,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> Valeri Dvoeglazov <valeri@ahobon.reduaz.mx> 9/5/01 1:21:14 PM >>>

Dear Dr. Brodsky,

Recently I received a letter from colleagues who asked me to protest firing Dr. Schmidt from the "Physics Today" journal after 19 years of his work for it.

Due to the fact that the opinion of Dr Schmidt's supporters became to be so known to public I consider that the understanding of what happened is important for the future of the Academy and "Physics Today" itself. I cannot make any decision on supporting or not the colleagues until to hear all sides. So, I urge you to explain the reasons for Dr. Schmidt's firing in your journal and thus to make facts to be available to public and physics community.

I think this case should be discussed on the pages of "Physics Today".

Thank you in advance.

Yours Sincerely,
Valeri Dvoeglazov
Professor of Physics
University of Zacatecas
Member of APS

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Thursday, September 06, 2001 3:11 PM
To: dm@phys.uconn.edu
Subject: Re: precious rights

Dear Dr. Markowitz,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> David Markowitz <dm@phys.uconn.edu> 9/5/01 9:58:37 AM >>>

Dear Dr. Brodsky:

In the case of Jeff Schmidt and Disciplined Minds, please say it ain't so, Marc.

American physics and our beloved organization thrive when all of us and all of our rights are respected. I always count on that when I submit the NES/APS newsletter for printing and mailing. Loyalty to APS and loyalty of APS must work equally and not fail in challenging circumstances. I hope you will explain what has happened and that you will make things right again.

Sincerely,

David Markowitz

Physics Department (emeritus)

University of Connecticut

D01050

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Thursday, September 06, 2001 4:32 PM
To: Dario@barberi.ch
Subject: your letter of 25.8.2001

Dear Dr.BARBERIS-KISSLING,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Thursday, September 06, 2001 6:40 PM
To: brasseur@jazz.me.psu.edu
Subject: Re: the email circulated to APS members concerning Mr. Schmidt

Dear Dr. Brasseur,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> "James G. Brasseur" <brasseur@jazz.me.psu.edu> 8/23/01 9:25:20 AM

>>> >>>

23 August 2001

Marc H. Brodsky
Executive Director and CEO
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As you no doubt know, an email from Dr. Talat Rahman (Kansas State University), Dr. George F. Reiter (University of Houston), Dr. Michael A.

Lee (Kent State University) has been circulated concerning the dismissal of Mr. Jeff Schmidt, who apparently has been an articles editor at Physics Today magazine for over 19 years. According to the email, Mr. Schmidt was fired in response to a book he published, *Disciplined Minds*. We are told that the reasoning for the dismissal was that Mr. Schmidt had used some of his official work time to write the book.

I have not read the book, and the email is my first awareness of the situation. Based on what is stated in the email about the book, I feel sure that there is much in the book that I would strongly take issue with.

Nevertheless, everyone has a right to independently develop arguments and ideas, and to write about these. It would be of great benefit to the physics community, therefore, to hear both sides of the issue, and to learn if it is indeed the case that Mr. Schmidt's employment with Physics Today was terminated primarily as a consequence of the book he published. If, as the email argues, Mr. Schmidt has been an effective writer for Physics Today over his 19-year employment, then it appears that his termination may have been motivated for reasons other than his performance in his job. If, on the other hand, there were truly justifiable causes for dismissal, it is important for the recipients of the email to hear this. In any event, an honest and accurate response from you to the email would be much appreciated.

Yours sincerely,

James G. Brasseur, Ph.D.
Professor of Mechanical and Bio Engineering and APS Member

205 Reber Building
The Pennsylvania State University
University Park, PA 16802, U.S.A.
+1 (814) 865-3159 (office)
+1 (814) 865-1344 (fax)

cc. Dr. Talat Rahman (Kansas State University), Dr. George F. Reiter (University of Houston), Dr. Michael A. Lee (Kent State University), from whom the email I refer to above was sent.

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Saturday, September 08, 2001 8:17 AM
To: lebowitz@sakharov.rutgers.edu
Subject: Re:

Dear Prof. Lebowitz,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

>>> "Joel L. Lebowitz" <lebowitz@sakharov.rutgers.edu> 09/07/01 07:38PM
>>> >>>

Dear Dr. Brodsky:

I received a long message from Drs. Talat Rahman, George F. Reiter, and Michael A. Lee concerning the case of Jeff Schmidt.

As co-chair of the Committee of Concerned Scientists and a former member of CIFS, I would very much appreciate hearing from you about this situation.

With best wishes,

Joel

--

Professor Joel L. Lebowitz	lebowitz@math.rutgers.edu
Director	fax: 732-445-4936
Center for Mathematical Sciences Research	phone: 732-445-3117/3923
Rutgers, The State University	
110 Frelinghuysen Road	
Piscataway, NJ 08854-8019	

Carroll, Diane (Long Island)

From: Shih Hansen S DLPC ["ShihHS@acpgate.acp.org"]
Sent: Monday, September 10, 2001 9:36 AM
To: brodsky@aip.org
Cc: jeffschmidt@alumni.uci.edu
Subject: RE: Jeff Schmidt

Attachments: Header



Header (1 KB)

Dear Marc:

I appreciate your taking time and effort to answer my e-mail.

I understand that it is not easy to be in a responsible position such as yours, and Jeff's action makes it difficult to handle properly, considering from all sides.

Certainly, the pending legal battle does not make the matter any easier.

However, the issues that Jeff is addressing concern all. And he seems to choose confrontation in order to bring them out to the Light. Please note that he is risking/sacrificing his welfare only, and in no way endanger others. My hat off to Jeff, the Poet-Physicist amongst us.

Sincerely,
Hansen Shih

P.S.

Regarding AIP and APS, I share with those who have special feelings and expectations of them. It is not unlike some of us working for the US government, hoping to contribute towards an end larger than ourselves, and more idealistic maybe than reality allows. Therefore, it is not a mere employee-employer situation. Beyond titles, we are all part of a "family".

I hope.

-----Original Message-----

From: Marc Brodsky [mailto:brodsky@aip.org]
Sent: Saturday, September 01, 2001 12:05 PM
To: ShihHS@ncsc.navy.mil

D01056

Subject: Re: Jeff Schmidt

Dear Dr. Shih,

In response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky
August 31, 2001

>>> Shih Hansen S DLPC <ShihHS@ncsc.navy.mil> 08/27/01 09:11AM >>>
To: Marc H. Brodsky
Executive Director and CEO
American Institute of Physics

D01057

One Physics Ellipse
College Park, Maryland 20740

Dear Dr. Brodsky:

As a physicist who has been proud of American Institute of Physics for its many visionary and responsible actions and achievements, I was troubled by your dismissal of Jeff Schmidt, as I just learned, who is such a deeply caring person, and of his courageous effort towards the improvement of the Education system (and the well-being of the profession/society as a whole).

I hope that people like him would be treasured, and welcomed to work within the system.

I urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.
Thank you.

Sincerely,
Hansen Shih

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 10, 2001 10:09 PM
To: terry@goldmaninternet.com
Subject: Re: Jeff Schmidt

Dear Dr.Goldman,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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Marc Brodsky

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 10, 2001 10:18 PM
To: birman@scisun.sci.ccny.cuny.edu
Subject: Re: J Schmidt

Dear Joe,

Below is the reply I sent Lebowitz.

In general I do not like to copy or post my replies in an employee-employer dispute because I do not think such issues are suitable for public airing, particularly giving the asymmetry between what the parties can or should say in public.

Marc

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

>>> "Joseph L. Birman" <birman@scisun.sci.ccny.cuny.edu> 09/10/01
>>> 10:07AM >>>

Dear Mark:

I was about to write a letter of inquiry about this matter when I got the attached email from Joel Lebowitz, which followed a letter of concern I received several days ago from colleagues.

Could you please copy me on your reply.

With Best Wishes

Joe Birman

On Fri, 7 Sep 2001, Joel L. Lebowitz wrote:

>
>
> Dear Dr. Brodsky:
>
> I received a long message from Drs. Talat Rahman, George F. Reiter,
> and Michael A. Lee concerning the case of Jeff Schmidt.

>
> As co-chair of the Committee of Concerned Scientists and a former
> member of CIFS, I would very much appreciate hearing from you about
> this situation.

>
> With best wishes,

>
> Joel
>

> --

> Professor Joel L. Lebowitz lebowitz@math.rutgers.edu
> Director fax: 732-445-4936
> Center for Mathematical Sciences Research phone: 732-445-3117/3923
> Rutgers, The State University
> 110 Frelinghuysen Road
> Piscataway, NJ 08854-8019
>

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Tuesday, September 11, 2001 11:33 AM
To: shirogitsune@hotmail.com
Subject: Re: Disciplined Minds

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

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Marc Brodsky

>>> "Dr. Philip Vos Fellman" <shirogitsune@hotmail.com> 9/11/01 9:19:15

>>> AM >>>

I am writing you to indicate the horror and disgust which I felt upon reading of Physics Today's firing of Jeff Schmidt, author of Disciplined Minds. I assure you no senior member of any academic institution of note will sympathize with your publication's views and this will seriously endanger your credibility as well as your marketability.

Sincerely,

Philip Vos Fellman, MA., M.B.A., M.A., PhD. , Faculty Associate, Belfer Center for Science and International Affairs, Harvard University, Professor of International Business, Southern New Hampshire University.

****Remember, No matter where you go, There you are****

Get your FREE download of MSN Explorer at <http://explorer.msn.com/intl.asp>

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Wednesday, September 12, 2001 5:43 PM
To: creuzburg@physik.uni-regensburg.de
Subject: your letter of 7 Sept 2001

Dear Prof. Creuzburg,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Wednesday, September 12, 2001 5:48 PM
To: Wayne.Lundberg@wpafb.af.mil
Subject: Re: REINSTATE Jeff Schmidt

Dear Dr. Lundberg,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

>>> Lundberg Wayne R Civ ASC/ENVR <Wayne.Lundberg@wpafb.af.mil> 9/4/01

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Wednesday, September 12, 2001 5:49 PM
To: jgms@earthlink.net
Subject: Re: Fw: Physicist fired for writing book

Dear Mr. Fletcher,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Wednesday, September 12, 2001 5:50 PM
To: asztalos1@ltnl.gov
Subject: Re: Jeff Schmidt

Dear Mr. Asztalos,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

D01067

>>> Stephen Asztalos <asztalos1@llnl.gov> 9/4/01 5:45:40 PM >>>

Mr. Brodsky,

Your actions only serve to support the point that your former employee was making.

Might I suggest that you reconsider your opinion.

Steve Asztalos

MIT

As you may have heard, Physics Today magazine recently gave a very punishing review to a book written by physicist Jeff Schmidt: The magazine fired him.

Jeff was a staff editor at Physics Today for 19 years -- until his supervisors saw *Disciplined Minds* (Rowman & Littlefield, 2000), a thought-provoking critique of workplace hierarchy and the politically subordinate role of salaried professionals. The book uses physicists and physics graduate school to help illustrate points about professionals and professional training in general.

Within days of learning about his irreverent book, the higher-ups at Physics Today dismissed Jeff summarily, apparently using the book as an opportunity to retaliate against him for his workplace activism and to ignore his widely praised work for the magazine. Details of Jeff's firing are given in the statement below, and can also be found on the Web at <http://disciplined-minds.com>

Please join us in protesting Jeff's dismissal, by adding your name to the letter below. We will send the letter to Marc H. Brodsky, Executive Director and CEO of the American Institute of Physics, which publishes Physics Today, and we will also post it on the Web.

To add your name to the letter, please send an e-mail message to SpeechRights@aol.com. Include your name and an affiliation, such as your department and institution. Please ask others to add their names, too.

You can also write directly to Marc Brodsky, at brodsky@aip.org. If you do, please send a copy of your letter to SpeechRights@aol.com so that it can be posted on the Web. We may send you updates on this issue (if you prefer not to receive them, just let us know).

Your support will make a big difference.

Sincerely,

Talat Rahman Fellow of the American Physical Society University Distinguished Professor Department of Physics
Kansas State University

George F. Reiter Professor of Physics University of Houston

Michael A. Lee Professor of Physics Kent State University

Background info about Jeff Schmidt and *Disciplined Minds*

D01068

By Chris Mohr and Jean Kumagai Former Physics Today staff members

In *Disciplined Minds*, Jeff Schmidt challenges professionals to view their role in society in a new and unsettling way. He argues that professional work has both technical and political components, and that salaried professionals are expected to be technically creative but politically subordinate. In particular, they are expected to work creatively to further their employers' world view rather than their own. Such subordination does not occur without a fight, the book maintains, and so the workplace becomes a battleground for the very identity of the individual, as does graduate school, where professionals are trained.

Jeff has a PhD in physics from the University of California, Irvine, and he draws many of his examples from the predicament of employed physicists and physics graduate students. (In one chapter, he examines the physics PhD qualifying examination and shows how the seemingly value-neutral test identifies candidates who have the "right attitude" about their work.) His book details the battle one must fight to be an independent thinker and to advance one's own social vision in today's corporate society. It offers advice on how to make employment more than an exercise in knowing your place, and how to make graduate school more than an abusive "intellectual bootcamp" that breaks the individual in to playing a conventional role. You can avoid the cynicism and intellectual timidity that afflicts so many professional employees, he says, but doing so is not easy, and he discusses how it can be done.

While at *Physics Today*, Jeff played the most prominent role in staff efforts to improve working conditions, increase staff participation in decision-making, and broaden the range of viewpoints allowed in the magazine. He also led an effort to force *Physics Today* to live up to its advertised claim of being an affirmative-action employer, noting that the magazine was hiring and training only whites as editors, a pattern that eventually left the magazine with an all-white staff of

16 professionals and a non-white secretarial staff of 3.

In firing Jeff, the managers at *Physics Today* cited a statement, at the beginning of *Disciplined Minds*, that he had done some work on the book in his office. Such use of time constitutes "misconduct," they said. But to those familiar with the *Physics Today* workplace, this charge looks more like a pretext to get rid of someone who was persistently pressing for changes in workplace policies. Indeed, the fact that the magazine's managers dismissed Jeff after so many years of service not only without a hearing, but also without asking him a single question about his work on the book, suggests that they were looking for an opportunity to remove him.

By the time *Disciplined Minds* was published, *Physics Today*'s managers had already tried unsuccessfully to silence Jeff with repressive measures just short of dismissal. At one point, for example, they put gag orders on Jeff and another outspoken staff editor, warning that they would be fired if they said anything "counterproductive." These orders were eventually lifted due to pressure from coworkers. Perhaps even more incredibly, *Physics Today* also banned private conversations in the workplace, announcing that all conversations between staff members must be open to monitoring by managers. In light of this history, *Physics Today*'s response to *Disciplined Minds* is less surprising.

The managers at *Physics Today* apparently thought the book would look so provocative to others that no one would object if they fired Jeff.

They were wrong. To date, there have been many protests: by sixteen former *Physics Today* staff members (including us), by the National Writers Union, and by 160 scholars, writers and educators in a wide range of fields. Even the State of Maryland, after an unemployment benefits hearing, rejected AIP's charge that Jeff's work on the book at the office constituted misconduct, finding that *Physics Today* fired Jeff without evidence that his spare-time writing interfered with his work for the magazine. (During the years that Jeff was writing *Disciplined Minds*, *Physics Today* gave him two promotions and 19 salary increases based explicitly on the quantity and quality of his work for the magazine.) Details of the state investigation are posted on the Web at <http://disciplined-minds.com>, along with the protest letters, reports in the press and ! ! reviews of the book.

Jeff recently took his case to one of the ten largest law firms in Washington, D.C. Lawyers at Dickstein Shapiro Morin & Oshinsky felt that Physics Today's actions, if left unchallenged, would set a bad precedent for employees everywhere. They waived their fees and will do what they can to bring legal challenges against Physics Today's repressive behavior, simply for the public good. Physics Today has hired what union activists and labor lawyers call the most notorious union-busting law firm in the country (Jackson, Lewis, Schnitzler & Krupman) to deal with any legal challenges in this case. That's revealing, but it doesn't mean that the law is a likely source of justice for Jeff. The law generally favors employers, and so Jeff's best chance for justice is support from the physics community.

Please consider adding your name to the letter below or writing your own letter. You can also spread the word by telling your friends and colleagues about Jeff's case, by linking your Web site to <http://disciplined-minds.com> and, if you are an instructor, by informing your students about Jeff's situation.

You can contact Jeff at...

Jeff Schmidt 3003 Van Ness Street NW #W406 Washington, DC 20008 jeffschmidt@alumni.uci.edu
202-537-3645

(The above is based on information from Jeff and other former Physics Today employees, and on relevant documents. You can contact us at christophermohr@hotmail.com and jean_kumagai@hotmail.com)

The letter...

To: Marc H. Brodsky Executive Director and CEO American Institute of Physics One Physics Ellipse College Park, Maryland 20740

Dear Dr. Brodsky:

As physicists and other scientists concerned about freedom of expression in the science community, we were troubled to learn of your dismissal of Jeff Schmidt, who had been an articles editor at Physics Today magazine for over 19 years.

As we understand it, you fired Jeff after you saw his book, *Disciplined Minds*, and in particular after you learned that Jeff had used some of his spare time at the office for critical writing about education and employment in physics and other fields.

While we do not necessarily agree with Jeff's views about the situation of physicists and other salaried professionals, and do not expect you to, we believe that free debate within the physics community is healthy. We expect you to encourage it, not stifle it, especially because physicists are known for speaking out when physicists internationally are punished for expressing their views.

Your actions as head of the American Institute of Physics help to shape society's view of the physics community. We urge you to reconsider your decision, and offer to reinstate Jeff as an editor at Physics Today.

We ask that you publish this letter in Physics Today, to bring our concerns to the attention of the wider physics community.

Sincerely,

(This letter expresses the views of the undersigned; affiliations are listed for identification only. Those of us whose names are marked with asterisks worked with Jeff directly, as he edited our articles for publication in Physics Today, and can attest that he does excellent, conscientious work.)

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Wednesday, September 12, 2001 5:51 PM
To: delmas-patterson.genevieve@uqam.ca
Subject: Re:

Dear Dr. Delmas-Patterson,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

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I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

D01072

>>> Genevieve Delmas-Patterson <delmas-patterson.genevieve@uqam.ca>

>>> 9/11/01 5:48:37 PM >>>

To: Marc H. Brodsky

Executive Director and CEO

American Institute of Physics

One Physics Ellipse

College Park, Maryland 20740

Dear Dr. Brodsky:

I attend regularly the March meeting of the APS and read Physics To-day .I have appreciated over the years, the independence of American physicists and their efforts to help physicists abroad living in harsh political conditions .

Please, be faithful to the tradition of openness and generosity of mind of the Physics community by reinstating Mr Jeff Schmidt as an editor of Physics to-day. His book, Disciplined Minds may serve as a catalyst for beneficial changes in the universities.

I agree with the letter sent to me but I will not copy it here

Genevieve Delmas Patterson ,Physico-chemist Université du Quebec in Montreal

D01073

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Thursday, September 13, 2001 11:41 AM
To: katz@wuphys.wustl.edu
Subject: Re: Physicist fired for writing book

Dear Mr. Katz,

I do not seem to have been able to convey the basic issue.

The debating points and hypothetical, but irrelevant assumptions, you bring up are just the points about an individual ex-employee that I tried to say are more appropriately responded to elsewhere and not in public. In courts and before the NLRB we are able to talk about records and facts and they do not have to rely on only one side's views. I think the NLRB, which I do not think is known for favoring management, did a thorough job in looking at and analyzing the facts. The facts in an individual case are often more relevant than hypotheticals; that is why we have due process and do not rely just on public opinion and speculation to decide facts. I think AIP has a good reputation and respect from its employees.

M

>>> <katz@wuphys.wustl.edu> 9/13/01 11:09:00 AM >>>

The problem is that he was fired for what he published in a book. That really looks like reprisal for exercising freedom of the press, and you will inevitably lose in the court of public opinion. If you had independent evidence that he was stealing time and resources from you, you might have a chance to maintain your reputation. All you have (it appears, based on the public record) is his own statement, which he dismisses as literary license.

Some years ago, someone published a book whose title was ``Steal This Book.'' Although actually stealing it would be a crime, as would inciting others to steal it, the title was protected literary expression.

The NLRB assertion (based on the excerpt in your e-mail) that you were justified in firing him for undermining management efficiency by publishing the book really won't stand in court, because it could be used to justify reprisals against employees for any exercise (I gave several hypothetical examples) of constitutional rights on their own time. Who can say just what undermines management efficiency? Suppose he asserted that some other employee stole work time to write a book---would you be entitled to fire him for publishing that, because it indicated you ran a lax workplace? It's like the Marxist assertion that any dissent is ``objectively'' treason because asking why the local party boss is a drunk (for example) encourages people to question the system, and hence to overthrow it. This will really outrage people if you attempt to maintain it.

Finally, win or lose, you can only make the AIP look like a bad place to work. The employees you want to hire don't want to work where they may be fired for a stupid published comment, or water-cooler grumbling, or stealing a half-hour on a slow day to write a friend an e-mail.

Jonathan Katz

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, September 17, 2001 5:01 PM
To: pendyala@fredonia.edu
Subject: Re: Speech rights and firing of Jeff Schmidt

Dear Prof. Pendyala,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

Some who have written to me, made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

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The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

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Marc Brodsky

>>> "Subra Pendyala" <pendyala@fredonia.edu> 9/17/01 4:48:01 PM >>>

I am distressed to see this sad state of censorship of free speech. If things are not right I wish there is an open discussion. A learned society like APS should not be autocratic. As a member of APS, I strongly protest the firing of Jeff Schmidt.

Subra Pendyala.

Subra Pendyala
Professor of Physics
State University of New York, College at Fredonia.
Fredonia NY 14063

(716) 673-3344 (voice)

(716) 673-3347 (fax)

e-mail: pendyala@fredonia.edu

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Tuesday, October 02, 2001 9:07 AM
To: Warnet13@aol.com
Subject: Re: (no subject)

Dear Art,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

>>> <Warnet13@aol.com> 9/30/01 3:26:00 PM >>>

Dear Mark:

Although I have just recently learned of and am not very well informed about the recent firing incident, it does appear that some mistakes may have been made. At IBM, where we both worked and where I did fire a few people, he would have been warned about using IBM time on personal matters and possibly put on probation. If his conduct had been particularly egregious, we probably would also have investigated his immediate supervisor to ascertain whether or not the supervisor's oversight had been adequate.

In any event, it seems to me that, if you are confident that you did the right thing, a full explanation in Physics Today is appropriate. Otherwise, I would say, as an AIP member, that he should be reinstated with a specific warning not to repeat his infraction.

I'm sorry to be writing on such a difficult subject, but I hope my thoughts will be of some help to you.

Sincerely yours,
Arthur H. Nethercot

D01078

Carroll, Diane (Long Island)

From: AIP PTPUB [ptpub@aip.org]
Sent: Wednesday, October 03, 2001 1:26 PM
To: rohrlich@ccsg.tau.ac.il; rohrlich@post.tau.ac.il
Cc: Marc Brodsky
Subject: Re:

Attachments: WordPerfect 6.1



JS response
31-01_2.wpd (16

Dear Dr. Rohrllich,

Thank you for your email. Physics Today will not publish details about one of its former employees in its pages. The American Institute of Physics, publisher of Physics Today, does not generally discuss its personnel matters publicly.

Attached is Dr. Brodsky's reply to others who have inquired about Jeff Schmidt. We request that you not post this message on any website and not use this information in a mass mailing.

Sincerely,

Randolph A. Nanna
Publisher, Physics Today and The Industrial Physicist One Physics Ellipse College Park, MD 20740-3842
Phone: 301.209.3102
Fax: 301.209.0842
email: rnanna@aip.org

>>> Daniel Rohrllich <rohrlich@post.tau.ac.il> 10/03 10:06 AM >>>

Dear Physics Today,

Recently I have received e-mailings on behalf of a former employee of Physics Today, the physicist Jeffrey D. Schmidt, whom the magazine allegedly fired for questionable reasons, violating his right to express criticism in his independent writing. I will not detail these allegations; I simply note that, as far as I can see, Physics Today has not discussed these allegations in the pages of the magazine. Under the circumstances, I hope Physics Today will offer its subscribers (of whom I am one) a clarification of its firing of Jeff Schmidt.

Sincerely yours,
Daniel Rohrllich

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Wednesday, October 03, 2001 6:07 PM
To: rohrlich@post.tau.ac.il
Subject: Re:

Dear Dr. Rohrllich,

I am writing in response to your recent inquiry regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

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Marc Brodsky

>>> Daniel Rohrllich <rohrlich@post.tau.ac.il> 10/3/01 10:06:25 AM >>>

Dear Physics Today,

Recently I have received e-mailings on behalf of a former employee of Physics Today, the physicist Jeffrey D. Schmidt, whom the magazine allegedly fired for questionable reasons, violating his right to express criticism in his independent writing. I will not detail these allegations; I simply note that, as far as I can see, Physics Today has not discussed these allegations in the pages of the magazine. Under the circumstances, I hope Physics Today will offer its subscribers (of whom I am one) a clarification of its firing of Jeff Schmidt.

Sincerely yours,
Daniel Rohrlich

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Thursday, October 25, 2001 4:20 PM
To: rohrlich@post.tau.ac.il
Subject: Re:

I agree with some of the things you say, and perhaps that's the point that comes to mind when someone says he is not giving his all. We do have high expectations of our editors.

Marc brodsky

>>> Daniel Rohrlich <rohrlich@post.tau.ac.il> 10/23/01 6:14:03 PM >>>

Dear Mr. Marc Brodsky,

Thank you for your reply to my letter expressing concern about the treatment of Jeffrey Schmidt.

I can well understand that Mr. Schmidt's claim that his book was written on "stolen time" could have provoked his employers.

Indeed, as I see from reading more of his introduction to the book, his intention was to provoke. It is debatable whether the time was indeed "stolen" from work or whether Mr. Schmidt wrote that just to be provocative; likewise, it is debatable whether a legal argument based on what he wrote is valid.

But, even supposing that Mr. Schmidt did take time away from his work at Physics Today, your reply seems to me to miss Mr. Schmidt's real point. The point is that a professional career, demanding the dedication and best efforts of a valued employee, is not limited to a 40-hour work week. It may demand 60 hours or more per week. Doesn't Physics Today have high expectations of its editors, expectations that do not always contract to fit into the walls of the office or into official working hours? If so, it means as much (or as little) to speak of time "stolen" from career work as it is to speak of time "stolen"

from family life (for career work after office hours or at home).

What means the most is the final product - whether or not it meets the exacting standards of the employer.

Sincerely yours,

Dr. Daniel Rohrlich

D01082

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, November 26, 2001 11:41 AM
To: dgr@physics.uottawa.ca
Subject: Re: Feedback to Physics Today

Dear Dr. Rancourt,
Your message to Physics Today was forwarded to me.

I am sorry that you are horrified that AIP decided it was unwise to keep an employee who claimed to be stealing from us. If you wish to terminate your membership in APS, one of the AIP member societies, you should contact APS directly.

Meanwhile I offer some additional info below in response to your recent concern regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.

You have made reference to APS. APS was not Mr. Schmidt's employer. AIP was.

Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP, Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

"The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is, I felt that I had no choice but to do it that way....' "

The NLRB also rejected Mr. Schmidt's contention that he did not actually "steal" company time, but "merely engaged in literary hyperbole in his book introduction." The NLRB found that:

"given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to

act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

Marc Brodsky

>>> <dgr@physics.uottawa.ca> 11/16/01 4:18:18 PM >>>

Below is the result of your feedback form. It was submitted by
(dgr@physics.uottawa.ca) on Friday, November 16, 2001 at 16:18:18

name: Denis G Rancourt

messagetext: I was horrified to learn about the treatment you have given to Jeff Schmidt.
Please cancel my subscription to your journal and my membership to APS ASAP.
It's unbelievable.
DGR

Submit: Submit

D01084

Carroll, Diane (Long Island)

From: Marc Brodsky [brodsky@aip.org]
Sent: Monday, November 26, 2001 4:48 PM
To: dgr@physics.uottawa.ca
Subject: Re: Feedback to Physics Today, Jeff Schmidt

Dear Professor Rancourt,

I think you are missing a couple of points.

First, no decision to terminate is taken lightly. All of the things you mentioned are considered. Most of them are personal employee issues and are not generally discussed in public or with people outside the organization. Hence much of this discourse is asymmetric.

I have not read the book other than the first few paragraphs of the introduction. I did this to verify the quote of the statement I had read in the press. It was not quoted, nor perceived, as tongue in cheek. I suspect it was taken seriously by co-workers. This was the first that I had learned that the book was being written, and clearly the first I knew it was being written during a time when other work was supposed to be done. My opinion about the rest of the book should not be a factor.

In my view, some statements just are not appropriately looked at as tongue in cheek. Would you want someone on your premises who says they are stealing from you? How do you know it is tongue in cheek? Statements about not working full time are difficult to accept in an atmosphere where most employees and organizations are trying to respond to the need for more productivity.

I am sorry that you do not see it this way. I think AIP offers good objective information produced by hard working editors, proud of the effort they put in. I am sorry if you want to block yourself from such info.

Sincerely,

Marc Brodsky

>>> Denis Rancourt <dgr@physics.uottawa.ca> 11/26/01 4:17:32 PM >>>

TO: Mr. Marc H. Brodsky, Executive Director, AIP

Hello Mr. Brodsky,

Thank you for this reply to my web request and comment.

Now I am more concerned than initially. It seems that AIP has interpreted a sentence from a non-AIP sponsored book in the narrowest possible sense and that AIP does not have independent evidence of the accusation against Jeff Schmidt. Is there a documented history of inadequate or sub-standard performance at work? If the employee was actually doing this and the AIP did not notice or act to correct it, is there not a serious problem with the AIP management? After all, producing such a book is no small task.

Have you, Mr. Brodsky, read the book? I have and it seems clear to me that that sentence from the introduction should not be taken literally.

In the context of the book as a whole, it should be interpreted in the broad sense that the employee (author) has not put all of his creative energy into his work as our society often demands but that he has, instead, tried to find space in his life for independent creative activity. I believe that most readers have and will interpret this tongue in cheek statement of the introduction for what it is clearly intended to be: a clever and humorous attention grabber.

Your note has convinced me more than anything that the AIP is wrong in this affair. I am going to make a professional point of staying away from AIP and its publications until clear evidence of correction of this wrong by

the AIP is put forth.

I am really stunned! The AIP's position flies in the face of common sense.

Sincerely,

Denis G. Rancourt
(Professor of Physics)

Department of Physics
University of Ottawa
Ottawa, Ontario
Canada K1N 6N5

For special courier deliveries add:
MacDonald Hall Building
150 Louis Pasteur Street
Room 221, or main secretariat, Room 146.

Tel. 613-562-5800 ext.6774 (my office)
Fax. 613-562-5190

e-mail: dgr@physics.uottawa.ca

my web-site URL (*****completely redone and updated May 2001):
www.science.uottawa.ca/phy/profs/rancourt/

Marc Brodsky wrote:

- >
- > Dear Dr. Rancourt,
- > Your message to Physics Today was forwarded to me.
- >
- > I am sorry that you are horrified that AIP decided it was unwise to keep an employee who claimed to be stealing from us. If you wish to terminate your membership in APS, one of the AIP member societies, you should contact APS directly.
- >
- > Meanwhile I offer some additional info below in response to your recent concern regarding the circumstances surrounding Jeff Schmidt's termination. Since legal proceedings are pending in response to Mr. Schmidt's claims, I am providing only a brief statement of AIP's position. At the outset, please note that there has been no finding that the discharge of Mr. Schmidt violated any federally protected right. AIP is not involved in similar legal proceedings with any other incumbent or former employee. Also, I personally assure you that Mr. Schmidt's termination had nothing to do with the subject matter of his book.
- >
- > You have made reference to APS. APS was not Mr. Schmidt's employer. AIP was.
- >
- > Mr. Schmidt was discharged by AIP after he stated, in the introduction to his book, that it was written on "stolen time". To me, the reference to writing it on "stolen time" either meant or implied that he wrote the book on paid work time, when, in my opinion, he should have been devoting his energies to AIP. In brief, while being paid by AIP,

Mr. Schmidt's comment communicates, in our view, that he was pursuing activities beyond what he was supposed to be doing on work time.

>

> AIP supports the right of all employees to seek guidance from the U. S. Equal Employment Opportunity Commission, the National Labor Relations Board or any other government agency to present questions regarding their employment or the termination thereof. AIP firmly believes that it has not engaged in any improper behavior. To date, no agency has found that AIP violated any law. In fact, below I quote from the findings of the NLRB, which dismissed Mr. Schmidt's unfair labor practice charge.

>

> "The evidence in this regard indicates that Mr. Schmidt had a non-work related book published which contained an introduction with the following words: 'This book is stolen. Written in part on stolen time, that is. I felt that I had no choice but to do it that way....' "

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>

> "given the nature of the work involved in this matter, it was concluded that the Employer has some justification for taking Mr. Schmidt at his word rather than treating this as a mere literary device to catch the interest of a reader. Moreover, and most significantly, even if Mr. Schmidt did not actually work on his book project on company time, by asserting that he did, he served to undercut Employer's efforts at enhancing employee productivity."

>

> I hope that you find these brief remarks to be responsive to your questions and concerns. I hope you can appreciate our position. AIP is committed to the physics community and to its members. As an employer, we try to act appropriately. We are proud of our work atmosphere and the high morale of our employees. Thank you for your interest.

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> Marc Brodsky

>

> >>> <dgr@physics.uottawa.ca> 11/16/01 4:18:18 PM >>>

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> name: Denis G Rancourt

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> messagetext: I was horrified to learn about the treatment you have given to Jeff Schmidt.

> Please cancel my subscription to your journal and my membership to APS ASAP.

> It's unbelievable.

> DGR

>

> Submit: Submit

>

> -----

> -----

AMERICAN INSTITUTE OF PHYSICS

Physics Ellipse
College Park, MD 20740-3843

Tel. 301-209-3100
Fax 301-209-0843

Quest Systems, Inc.
4701 Sangamore Road
Bethesda, MD 20816

To Quest Systems, Inc.:

The American Institute of Physics is an equal opportunity and affirmative action employer which does not discriminate on the basis of race, national origin, religion, age, color, sex, disability or veteran's status, or any other characteristic protected by local, state, or federal laws, rules or regulation. The Institute's policy applies to all terms and conditions of employment. To achieve our goal of equal opportunity, the Institute maintains an affirmative action plan through which it makes good faith efforts to recruit, hire and advance in employment qualified minorities, females, disabled individuals and Vietnam era and special disabled veterans. We would appreciate Quest Systems Inc.'s assistance in the Institute's efforts to achieve its affirmative action and equal opportunity goals.

Therefore, we request that Quest Systems Inc. refer qualified minorities and females for available positions at the American Institute of Physics. We are a non-profit publishing organization and regularly have openings for editing, accounting, research, technical, and

Member Societies:

The American Physical Society
Optical Society of America
Acoustical Society of America
The Society of Rheology
American Association of
Physics Teachers
American Crystallographic
Association
American Astronomical Society
American Association of
Physicists in Medicine
American Vacuum Society
American Geophysical Union

administrative staff. We have attached copies of the job descriptions for these positions to enable Quest Systems Inc. to better identify qualified applicants.

Although we specifically have requested Quest Systems Inc. refer minority group members and females, our Institute welcomes referrals of all qualified applicants regardless of their race, sex, age, religion, marital status, veterans status, ancestry, national origin,

citizenship, disability or any other characteristic protected by law. To confirm Quest Systems Inc.'s intent to abide by our policies and to refer applicants without discrimination, please sign the certification below, reproduce the signed certification, and return it to the Institute.

Very truly yours,



Theresa C. Braun
Dir. of Human Resources
& EEO Coordinator

WE WILL COMPLY WITH THE INSTITUTE'S AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY POLICIES IN ALL RECRUITMENT REFERRALS AND ACTIONS.

Betty L. O'Brien
NAME

Associate
TITLE

DATE: 5/19/97

From: Stephen Benka
To: MUNDERWO
Date: 1/9/97 12:23pm
Subject: Affirmative Action

Melinda,
affirm.1 went to APS's Committee on minorities. I spoke to Modeste first.
affirm.2 was sent without prior phone contact, though I tried.
affirm.2 was sent after talking with Mtingwa.
--Steve

-----AFFIRM.1-----

From: Stephen Benka
To: APS.MODESTE
Date: 11/26/96 9:37am
Subject: Ad from Physics Today

EDITORIAL OPENING AT PHYSICS TODAY

PHYSICS TODAY is seeking to fill a midlevel editorial position. The principal—but not exclusive—responsibility of the new staff member will be to edit feature articles on a broad range of physics-related technical and nontechnical subjects. The job will involve extensive contact with the physics community and with the in-house staff to produce a quality-driven, deadline-bound monthly magazine. An applicant should have a degree in physics, and editorial experience is desirable. Send your résumé and an informative cover letter to

Alice Robinson
Human Resources
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740-3843

-----AFFIRM.2-----

From: Stephen Benka
To: ACPGate("ernst@comp sci.cas.vanderbilt.edu")
Date: 11/26/96 10:24am
Subject: Ad from Physics Today

Dear David Ernst,

If possible, can you distribute the following ad to the National Society of Hispanic Physicists, and to other appropriate organizations? Thank you very much.

Sincerely,
Stephen G. Benka, Editor, Physics Today

EDITORIAL OPENING AT PHYSICS TODAY

PHYSICS TODAY is seeking to fill a midlevel editorial position. The principal—but not exclusive—responsibility of the new staff member will be to edit feature articles on a broad range of physics-related technical and nontechnical subjects. The job will involve extensive contact with the physics community and with the in-house staff to produce a quality-driven, deadline-bound monthly magazine. An applicant should have a degree in physics, and editorial experience is desirable. Send your résumé and an informative cover letter to

Alice Robinson
Human Resources
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740-3843

-----AFFIRM.3-----

From: Stephen Benka
To: ACPGate("mtingwas@athena.ncat.edu")
Date: 11/26/96 10:32am
Subject: Ad from Physics Today

Dear Dr. Mtingwa,

Here is the ad for our editorial opening. I appreciate your help in distributing it.

Best wishes,
Steve Benka

EDITORIAL OPENING AT PHYSICS TODAY

PHYSICS TODAY is seeking to fill a midlevel editorial position. The principal—but not exclusive—responsibility of the new staff member will be to edit feature articles on a broad range of physics-related technical and nontechnical subjects. The job will involve extensive contact with the physics community and with the in-house staff to produce a quality-driven, deadline-bound monthly magazine. An applicant should have a degree in physics, and editorial experience is desirable. Send your résumé and an informative cover letter to

Alice Robinson
Human Resources
American Institute of Physics
One Physics Ellipse
College Park, Maryland 20740-3843

From: Jean Kumagai <jak@interport.net>
To: Stephen Benka <sbenka@aip.acp.org>
Date: 11/27/96 8:01am
Subject: Re: Affirmative Action

Looks good, Steve. Some of the other groups listed in the Stith article might also be good -- for example, the Minority Students in Physical and Mathematical Sciences, which sponsors the annual National Conference of Black Physics Students.

My phone and fax numbers are both working again.

Happy Thanksgiving!
Jean

CC: ACP.AIP(jschmidt)



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Introduction - Functions of This Manual

This Policies and Procedures Manual is a guideline to policies, practices and procedures that have been developed over a period of years at the Institute.

1. Human Resources is responsible for custody and distribution of copies of this Policies and Procedures Manual. Each division manager will be issued a copy of the Manual and should request a sufficient number of additional copies for distribution to each supervisor in the division.
2. Each division manager is responsible for maintaining an accurate, up-to-date list of individuals in his/her division who have copies of this Manual. This list shall be issued to facilitate the timely distribution of amendments and additions to the Manual. The division managers shall see that each Manual in his/her division is updated promptly.
3. The Manuals are AIP property and are assigned to the position and not to the individual. Upon termination of employment, each holder shall return the Manual to Human Resources for reassignment to his/her replacement.
4. Managers and supervisors are encouraged to recommend changes in policy where they feel it is appropriate, and such recommendations should be made to Human Resources. Likewise, matters not covered by the Manual may be brought to the attention of Human Resources in order that new policy may be formulated if necessary.
5. This Manual is for management/supervisory use only and may not be distributed to or reviewed by non-supervisory personnel without the permission of Human Resources.
6. The policies and procedures contained in this Manual, or statements by any employee of AIP, whether oral or written, are not contracts. These policies, procedures or statements are not a guarantee of employment for any length of time or for any particular terms and conditions of employment. These policies, procedures and statements may be changed at any time, with or without notice, and should not be relied upon by any employee or applicant.
7. Employment is entered into voluntarily and may be terminated by the employee or AIP at any time, and for any reason, with or without notice.

**Background
and Policy:**

The AIP logo is a trademark symbol of AIP and reflects AIP's corporate image. "The present logo should appear on everything that represents the America Institute of Physics. The logo is composed of two elements: the words, or logotype, which are done in stylized calligraphy; and three horizontal lines, or accent bars, that block the logotype into a rectangle. The official colors of the logo are: **PMS-145** (brown) for the accent bars, and **PMS-540** (navy blue) for the logotype. The logo may also appear in black or other monotone for specified applications. Different color combinations for the logo are permitted."

Authority:	Approved:	Governing Board	Date:	9/87
		Management Committee		5/97

Procedure: All procedures for placement and appearance of the logo are contained in the Logo Placement and Usage Manual, Executive Summary attached. Any questions should be directed to the Office of the Executive Director. For electronic media, policy and procedures are currently (8/96) being formulated by the Internet Publishing Committee (IPC). Authors of electronic products, including Web pages, should consult with the IPC, or the manager of Internet publishing, for the latest guidelines.

Attachment: Summary from November 1989 *Logo Placement & Usage Manual*

Logo Placement & Usage Manual
(A guide for editors and designers of AIP printed materials)
Summary from the November 1989 edition

The Logo Usage Manual provides guidelines for projecting AIP's image in a consistent, attractive, and professional manner through the correct and routine use of the logo. It establishes a framework within which good design and effective communication can be implemented, but leaves flexibility for creative solutions to design problems. In short, these guidelines help maximize the effectiveness of AIP's graphic image.

AIP's present logo was approved by the Governing Board at its September 1987 meeting. It should appear on everything that represents the American Institute of Physics. Exceptions should be dealt with on a case-by-case basis by the Publications Review Committee (PRC), chaired by the Director of Physics Programs.

The AIP logo is composed of two elements: the words (or logotype) done in stylized calligraphy, and three horizontal lines (or accent bars) that block the logotype into a rectangle. The official colors of the AIP logo are: PMS-145 (brown), and PMS-540 (navy blue). The logo may also appear in black for specified applications, and different color combinations are also permitted as outlined in the guide.

General Rules

1. The logo should be used on the upper or lower portion of a brochure flush to the left or right margin, or centered within 1 ½" of the top or bottom.
2. A secondary accent bar may be used or omitted. When used, it must be the same width, thickness, and color as the accent bars on the logo, and set in the same manner.
3. The address should be used in conjunction with the logo on the back page of non-advertising printed matter.
4. The logo can be centered at the end of a column. It should be used with an address line if it is at the end of a printed piece.

Unacceptable Usage

A few hard-and-fast rules apply in all design situations.

- Never integrate the logo into a line of text
- Never use with other graphic elements or other organizations names unless approved by the PRC
- Never use without accent bars
- Never enclose within a box or circle
- Never respace the accent bars
- Never use black bars with colored type

The Abbreviated Logo

Occasionally, design situations will arise where use of the full logo may be inappropriate, such as on book spines. For such cases, an abbreviated logo, consisting of the Institute's acronym and two accent bars, has been approved. The basic rules of logo use and colors also apply to this abbreviated form. Additionally,

the abbreviated logo should always appear in conjunction with one of the approved forms of the Institute's signature, full name.

Signature

The signature is AIP's name and associated information set in specified typefaces and sizes. It includes the proper name of the Institute, an address, phone number, e-mail number, and www address.

On memo pads and business cards, letterheads, envelopes, and forms, the signature should be set in a medium face, sans serif Spectra typeface (or Helvetica) in initial caps.

The signature can appear with the abbreviated logo as follows:

- below the logo - left justified
- On the same line to the right of the logo
- Centered below the logo

Letterhead

There are four basic elements to AIP stationery: the full AIP logo, the address and phone number signature, descriptive information about the sender, and a listing of AIP's ten Member Societies and Other Member Organizations. (See sample letterhead for style).

Envelopes

A large variety of envelope sizes and styles are used at AIP. All must show the entire AIP logo in the upper left corner with the address signature below in a sans serif type.

Business Cards, Memo pads

All conform to a standard style and can be ordered through the Secretary of the Publisher, Journals and Technical Publications, or through the Assistant to the Executive Director and CEO. This applies to new and updated letterhead orders as well. Envelopes are ordered directly through the Purchasing Department in Facility Services.

Exceptions

With approval of the PRC and the Management Committee of the Institute, certain exceptions exist where a logo specific to a group within AIP can be used in lieu of the standard AIP logo. Currently these exceptions include:

Physics Today
Physics Academic Software
American Center for Physics (ACP)

[There are no other exceptions as of April 2000].

D01105

**Background
and Policy:**

Conveying physics information to policy makers is useful in aiding public understanding of science. "It is a policy of AIP to send complimentary copies of *Physics Today* to members of Congress."

Authority:

Approved: Governing Board
Management Committee

Date: 3/75
5/97

Procedure:

1. A one-page letter is written over the Executive Director's signature outlining selected article contents within the accompanying issue of *Physics Today*. The letter is drafted by Public Information and reviewed by the Executive Director and the Editor of *Physics Today*.
2. The cover letter is printed on the Executive Director's letterhead; Public Information sends letters and congressional mailing labels to the printer of *Physics Today*, who mails them to Congress with complimentary copies of *Physics Today*.
3. Print and mail costs are charged to the Director's Office, after review by the publisher of *Physics Today*.

**Background
and Policy:**

To ensure quality and consistency, the content of all AIP publications, print and electronic, need to be reviewed. Those publications which do not have separate review bodies, such as found in the journal and book publishing areas, need to be reviewed internally through the Institute's Publications Review Committees. These publications include reports, newsletters with no sitting editor, marketing, and other brochures. Also included are front matter for magazines, books, AIP journals, Web pages and other Web documents.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Authors will forward all planned publications as described in the policy statement to the Publications Review Committee Secretary, accompanied by a pink routing form, approved by the appropriate Division manager and Branch director.
2. The Chair of the Publications Review Committee, the Director of Physics Programs, and the Committee will review the publication piece for editorial and scientific content and return it to the submitting party with approval or comments as appropriate.
3. Following publication, a copy of the publication, including diskettes and print-outs for electronic products as relevant, should be maintained within the Division and periodically forwarded to the Niels Bohr Library for archival review.

**Background
and Policy:**

AIP has Advisory and Policy committees to provide program over site and to advise the Governing Board and Management. Regular appointments to committees are for three years. Terms begin on the July 1 and end on the following June 30 of each year. Committee members do not serve more than two consecutive full terms. A staff member acts as liaison to each committee. Current committees and their charges are listed in the annual Handbook for Member Society Officers. Committee Chairs are appointed by the Governing Board Chair on the recommendation of the Committee on Committees. Committee members are appointed by the Governing Board on recommendation of the Committee on Committees. There are also liaison committees whose representative members are appointed by the member societies.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Division Manager or staff liaison should forward suggestions for advisory committee membership to the Committee on Committees (CoC) through the management chain as requested annually; willingness to serve IF APPOINTED should be determined in advance of a recommendation. Included should be detailed rationales for recommendations; the concerns of Member Societies should be taken into consideration.
2. Secretary will forward names suggested by the Member Societies and others to the CoC for review and to Division Managers and/or staff liaisons for commentary; the latter will forward their commentary to the CoC through the AIP management chain.
3. The CoC usually meets in early February, reviews the names received for possible committee membership, and forwards its recommendations to the Governing Board (GB), for consideration at its March Meeting.
4. After committees and chairs are approved by the GB and GB Chair respectively, the Secretary sends thank you notes to retiring committee members and welcome notes to new members. It is also appropriate for staff liaisons to send their own letters of appreciation.
5. Staff liaison will work with Committee Chair to develop agenda for Committee meeting; Chair must approve all agendas.
6. Staff liaison in consultation with Chair will determine availability of Committee Members, AIP Executive Director and relevant AIP Officer for any planned meeting dates and select date with at least several months notice to all eligible attendees.
7. Staff liaison will send written agenda and background material to relevant AIP Officer and AIP Executive Director for review, then send to committee members to arrive at least one week prior to the planned meeting.

D01108

8. Staff liaison will include among background materials forwarded to the Committee: mission of the committee and the department being reviewed, members of the committee and terms, minutes of the last meeting and AIP responses to all action items, other relevant descriptive material and reports, suitable logistics for the meetings, maps, travel vouchers etc.
9. Meetings will be under the control of the Committee Chair; staff liaison will aid the Chair. Any additional invitees to the meeting beyond the committee members and the staff liaison must be approved by the Committee Chair.
10. Staff liaison will send a summary of action items and specific recommendations one week after the meeting, to the Committee members, the AIP Director, and the AIP Secretary. The liaison will send draft minutes to Committee for approval within six weeks of the meeting.
11. Staff liaison will maintain a list of Society liaisons in addition to committee members and send them a copy of the agendas of planned meetings and later minutes of these meetings. For each committee, the AIP Secretary will maintain a list of Member Society contacts who also should receive a copy of all agenda minutes.
12. A current listing of all AIP advisory committees, number of meetings per year and their reporting structure can be found in the Handbook for Member Society Officers.

Reference: Handbook for Member Society Officers

Background**and Policy:**

Positive, supportive relations with AIP Member Societies, Affiliated Societies and Sister Societies are to be actively pursued. Each manager is expected to be aware of the concerns and activities of the Member Societies and coordinate their own activities with those of the Societies in such a manner that they will complement, assist, and not conflict with them.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Managers should know their counterparts in the societies, keep informed about what the counterparts are doing and keep the counterparts informed about what AIP is doing in their area. They should develop procedures for regular interaction.
2. Managers should keep the Executive Director's Office informed of major interactions, meetings and special projects with the Societies.
3. Managers should be aware of new initiatives, arising issues, and incipient problems with the Societies and provide the Executive Director's Office with pertinent information and their planned responses in a timely fashion.

Background

and Policy:

From time to time the Executive Director sets Institute-wide goals. It is the responsibility of AIP employees to further these goals through his/her daily activities.

Authority:

Approved:

Management Committee

Date: 5/97

Procedure:

Understand and promote goals:

Umbrella: Value-added, naturally recognizable umbrella services for the ten Member Societies and other constituencies.

Pricing: A financially viable publishing enterprise based on a pricing model that is also viable for our customers.

Image: An improved image of physics and physicists by programs, products, and public information.

Timeliness: Process and procedures that improve the timeliness of our products, services and customer responses.

Understand and fulfill service mission of AIP.

AIP serves the sciences of physics, astronomy, and related fields of science and technology by serving its member societies, as well as individual scientists, students and the general public.

D01111

**Background
and Policy:**

All inquiries for information about AIP, its services and products should be handled promptly and in a professional and courteous manor. Inquiries may come by mail, fax, telephone or e-mail to aipinfo@aip.org.

Authority: Approved: Management Committee Date: 5/97

- Procedure:**
1. The e-mail mailbox for aipinfo@aip.org will be checked daily by the staff in the office of the Executive Director.
 2. Refer queries to appropriate sections of AIP, e.g. press queries to Public Information, subscription queries to Circulation and Fulfillment, membership information to each Member Society or to the Executive Director's Office. If at all uncertain, contact the AIP section prior to the referral to make sure that the query can be dealt with fully and promptly.
 3. If answer to query is immediately unknown, obtain e-mail, telephone or other contact information from the inquiring party and ensure that the individual is called back promptly by you or by others.
 4. Tell the inquiring party that if they are not satisfied with the response to their query, within a defined period of time (hours or days as appropriate) to let you know and you will be responsible for satisfactory follow-up.

**Background
and Policy:**

AIP may co-sponsor meetings and conferences with other organizations if these meetings are in agreement with AIP's mission and the appropriate notification and approval process has been followed. Any meetings or conferences not previously sponsored will initially require Governing Board approval. Opportunities for involvement in co-sponsorship should be made available to AIP Member Societies where relevant.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Plans to co-sponsor meetings with Member Societies should be described in written form by the involved AIP unit and forwarded to the relevant AIP officer and the AIP Executive Director for review. Indicate whether AIP or the Society is the primary host and whether there are any third parties involved; third party involvement may need Governing Board approval.
2. Requests from other organizations for co-sponsorship of meetings should be presented in writing to the AIP Management Committee for initial approval. Requests should include: rationale and purpose of meeting, background of requesting organization including tax status and names of responsible parties, plans for financial expenditures and returns to the requesting organization and AIP. New requests will be forwarded to the Governing Board for approval.
3. If there is potential overlap with the concerns and interests of Member Societies, inform the Member Societies of the planned meeting requested by other organizations and any opportunities for additional co-sponsorship.

D01113

**Background
and Policy:**

Prices for AIP services and products should be established in an equitable and documented manner. They must be approved by the AIP Management Committee. Executive Committee approval is also needed for establishing and changing price schedules in several areas, specifically subscription rates and page charges for AIP journals and magazines.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Each AIP unit is responsible for establishing written procedures for the pricing of publications, advertising, services and other products.
2. Prices of new items, and changes in prices, need the approval of an AIP officer or the AIP Executive Director.
3. Prices for AIP journals and magazines are reviewed by the Publishing Policy Committee and submitted to the Executive Committee for approval.
4. Methods for settling charges, billing and receiving funds need to be approved by the office of the Institute's Chief Financial Officer.

D01114

Background**and Policy:**

The principal goal of AIP's fund raising activity is to build a stream of revenue for key elements of Physics Programs. AIP solicits from the natural constituencies of designated Physics Programs, currently the Physics Olympiad, the History Center, Sigma Pi Sigma *and Discoveries and Breakthroughs in Science*. Other AIP programs might be candidates for outside funding within the scope of current level resources and contingent on governance approval.

Authority:

Approved: Governing Board
Management Committee

Date: 10/95, 3/00
5/97

Procedure:

1. Care is to be taken not to compete with Member Societies
2. Natural Constituencies will be asked to support the programs through a combination of mail solicitations and personal visits, and will be kept informed about the activities of the programs through newsletters and other mailings.
3. An active set of committees, including the development committees and advisory committees for each program will assist with the planning and implementation of these fund raising activities.
4. Development staff should meet with and explore the interests of potential donors to learn if there is interest in supporting other programs. Development staff also will coordinate efforts with Member Society development programs.

Background**and Policy:**

Gifts will be accepted only for purposes consistent with AIP's objectives. No gifts will be accepted which infringe on AIP's established policies and procedures. Gifts of real property, tangible personal property, life insurance and closely held, restricted, or infrequently traded securities, and unusual, questionable, or particularly large gifts to the American Institute of Physics should be referred to an ad-hoc AIP Gift Acceptance Committee for the appropriate recommendation of action to the Governing Board. The final authority to accept or reject gifts rests with the Governing Board. This policy is designed to provide a screening before the Governing Board makes decisions. It is not a procedure for soliciting gifts and does not change the solicitation policy for AIP development activities.

Authority:

Approved:

Executive Committee
Management CommitteeDate: 6/96
5/97**Procedure:**

1. Notify Development Office of any potential gift.
2. Development Office will decide whether gift needs to be referred to an ad-hoc Gift Acceptance Committee. Gifts to be considered by the committee include:
 - * Real property (real estate) and tangible personal property (i.e., art or other collections).
 - * Life insurance policies.
 - * Closely held, restricted, or infrequently traded securities.
 - * Life income gifts (ie. pooled income funds, charitable remainder trusts, and gift annuities) valued at \$100,000 or more.
 - * Restricted cash gifts of \$100,000 or more.
 - * Gifts designed to start new programs or prizes not already in existence or previously endorsed by the Governing Board and/or Executive Committee.
 - * Other gifts as requested by the Development Office.
3. Within two weeks of the Development Office's notification of the donor's intent to make the gift in question, the Development Office will call a meeting, preferably by conference call, of an ad-hoc Gift Acceptance Committee.
4. The ad-hoc Gift Acceptance Committee, after discussion and review of appropriate background information, will vote on whether to recommend acceptance of the gift to the Governing Board.
5. The Executive Director, in consultation with the Chair and Secretary of the Governing Board, will appoint an ad-hoc Gift Acceptance Committee as needed.

D01116

**Background
and Policy:**

AIP may confer awards in areas related to its mission. The creation, or revision in terms, of an AIP award requires the approval of the AIP Governing Board. Award recipients, unless specifically exempted by GB action, are recommended by an appropriate awards committee and also need Executive Director or Governing Board approval. Current awards, and their responsible AIP offices, are outlined in the Handbook for Member Society Officers.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Most Award Committees are appointed annually by the AIP Governing Board, on the recommendation of the AIP Committee on Committees. (Committees for awards which are given less frequently are appointed on an as-needed basis.) Some awards have other statutory authorities for their appointment.
2. The AIP staff liaison for each award committee, in cooperation with the Committee Chair, is responsible for:
 - a. Soliciting and publicizing solicitations for award candidates in Physics Today, Society publications, and other appropriate organs in a timely manner.
 - b. Receiving nominations and providing adequate background information on all candidates to the relevant awards committee.
 - c. Calling meetings of the award committee for review of candidates, forwarding committee recommendations to the Executive Committee/Governing Board, and maintaining files on all candidates for future committee review.
 - d. Arranging for notification of the award recipient, support of recipients travel logistics, and presentation of the award. It is important that award certificates and funds are made available in a timely manner. (Award certificates are prepared by the Office of the Executive Director.)
3. For awards that are jointly made by AIP and one of the Member Societies, AIP staff liaisons must closely co-ordinate all activities with the appropriate Member Society liaisons.

D01117

D01118

Background

and Policy: Funds generated by AIP-owned journals and publications will be used to support AIP educational programs operated for public good and in the best interests of the physics community.

Authority:

Approved: Governing Board
Management Committee

Date: 10/86
5/97

D01120

Goal for Segregated Reserves

#202.01

Page # 1 of 1

Background

and Policy: The goal for AIP's Segregated Reserves is established at one year's total operating expenses.

Authority:

Approved: Executive Committee
Management Committee

Date: 6/95
5/97

D01121

Background

and Policy: The Investment Policy outlined below was adopted:

- Introduction
- Background and Risk Posture
- Asset Allocation Guidelines
- Investment Objectives
- Fund Segment Guidelines
- Evaluation and Review Process
- Responsibilities of the Investment Managers

Authority:

Approved: Executive Committee Date: 6/92

The above was amended to permit investment in international equity funds in an amount up to 15% of total market value of Segregated Reserves

Approved: Executive Committee Date: 12/93
Management Committee 5/97

Procedure: The AIP Chief Financial Officer will implement this policy in conjunction with the Investment Advisory Committee.

**Background
and Policy:**

Granted to Bankers Trust Company discretionary powers of short term investment under our Cash Management Plan with the objectives of maximum return consistent with safety and liquidity.

Authority:

Approved: Executive Committee
 Management Committee

Date: 6/81
 5/97

Procedure:

The Assistant Treasurer will be in contact with Bankers Trust daily to determine the amount of investable funds and the instruments to be purchased or sold.

D01123

Background

and Policy: For endowment funds (or equivalent restricted funds) with an invested principal of \$100,000 or more, annual expenditures from earnings are to be limited to five (5) percent of the amount of the principal, averaged over any three-year period. Exceptions to this policy may be approved by the Management Committee and must be reported to the Executive Committee, with stated reasons for the exceptions. For proposed expenditures of six (6) percent or more from earnings on endowments of \$500,000 or more, advance approval of the Executive Committee is required.

Authority:

Approved: Executive Committee
Management Committee

Date: 6/87
5/97

Procedure:

Exceptions should be brought to the attention of the Treasurer/Chief Financial Officer, to be discussed at the next Management Committee and Executive Committee meetings.

D01124

**Background
and Policy:**

1. All grant proposals should fall within the stated purpose and mission of the Institute.
2. Grant proposals can be initiated by any staff member. The principal investigator must be at the managerial level or higher unless an exception is approved by the Executive Director.
3. Prior approval by the Executive Director is required before a granting agency, foundation, corporation, or individual may be approached with a preliminary or planned proposal.
4. All grant proposals to be submitted must have the approval of the Branch Head, Director of Finance and Administration, and the Executive Director of the Institute. Such proposals are to be discussed with appropriate Advisory Committees (unless the proposal is for routine extended support of an existing program). All proposals will be submitted through the Office of the Executive Director.
5. The grant budget should reflect the true cost of the project. Any proposed cost sharing must be displayed and clearly justified at the time the grant is submitted for internal approval. In cases where cost sharing or overhead charges lead to a projected extra cost to the Institute of \$30,000 or more per year, Governing Board or Executive Committee approval is required.
6. All grant submissions with a total budget of \$200,000 per year or more, grants requiring matching funds or access to information with security classification, and "challenge grants" require the approval of the Governing Board or Executive Committee.
7. The Executive Director will develop internal procedures, such as a routing sheet and/or the involvement of the Management Committee in discussions of proposals, to ensure that these guidelines are followed.

Authority:

Approved:	Executive Committee	Date: 9/88
	Management Committee	5/97

Procedure: The procedure is included in the Policy statement.

D01125

**Background
and Policy:**

Grant proposals intended to provide support for existing programs are approved by AIP management. Such proposals are normally discussed with appropriate advisory committees before being approved for submission. An internal routing sheet is used to assure approval by the division and branch where the funds will be used, by the Finance and Administration Branch, and by the Executive Director.

Grant awards are reported to the Executive Committee.

Grant proposals that are out of the ordinary, either because of the magnitude of the requested funds or because a new direction for AIP is involved, must be brought to the Executive Committee for approval, normally after review by the appropriate advisory committee.

Authority:

Approved: Executive Committee
 Management Committee

Date: 6/88
 5/97

Attachment: Approval Sheet for AIP Grant Proposal or Supplement

D01126

AMERICAN INSTITUTE OF PHYSICS

Approval Sheet for AIP Grant Proposal or Supplement

Title:

Prepared by:

Brief Background/Comments:

Circulated to and Approved by:

	<u>Initials</u>	<u>Date</u>
Division Manager	_____	_____
Branch Manager	_____	_____
Treasurer	_____	_____
Executive Director	_____	_____

**Background
and Policy:**

This policy applies to transactions not otherwise covered by a purchase order.

All contracts, regardless of size, must be approved and signed by an officer of the Institute. Approvals must be obtained as outlined below:

For contracts under \$25,000 (annually or in the aggregate) - approval and signature by the officer responsible for the branch in which the contract is initiated.

For contracts over \$25,000 (annually or in the aggregate) - approval by the responsible officer and the Treasurer / CFO.

For contracts over \$250,000 (annually or in the aggregate) - approval by the responsible officer, the Treasurer / CFO and either the Executive Director / CEO or Management Committee.

All approved contracts are kept by the Office of the Secretary.

Authority:

Approved: Management Committee Date: 11/18/97

Procedure:

Every officer will be issued a Contract Approval Stamp. This stamp (copied below) should be affixed to all contracts (in red ink) for approval signature(s) as delineated above. The person initiating the commitment, contract or arrangement will obtain necessary approvals and deliver the original contract to the Secretary's Office, and copies to the Executive Director / CEO and the Treasurer / CFO.

Requesting Officer:	_____	
(always required)	Signature	Date
As needed: - Treasurer/CFO:	_____	_____
	Initials	Date
Exec Dir/CEO:	_____	_____
	Initials	Date
Mgt Committee:	_____	_____
	Initials	Date

D01128

Signatures Required on Checking Accounts

#207

Page # 1 of 1

Background and Policy:

The Institute shall maintain two types of accounts signature authorizations for checking accounts, as follows:

- a. One requiring a single authorized signature for amounts up to and including \$25,000 and
- b. One requiring two authorized signatures for amounts in excess of \$25,000.

Authority:

Approved: Executive Committee
 Management Committee

Date: 4/88
 5/97

Procedure:

Authorized signatures usually consist of Officers of the Institute.

D01129

**Background
and Policy:**1. Use and Control

Mailing lists maintained by AIP for itself and for the Member Societies can be made available for use consistent with their purposes. Lists will be provided in hard copy (printed) form only and will be released only with the approval of designated appropriate authorities as follows: In the case of an AIP mailing list, upon the approval of the Executive Director or an officer designated by the Executive Director; in the case of a Member Society, upon the recommendation of the Society President, Secretary or person designated by them.

- a. Any elected or appointed officer or manager of AIP or a Member Society may request lists or parts thereof prepared on cards or in strip form pertaining to their responsibilities and authority provided:
 - i. The list will be used only for specific administrative purposes of the unit or its subordinate units.
 - ii. The designated authorizing person approves.
- b. Lists may be assembled on member, nonmember, geographical, or technical interest bases or combinations of these.
- c. Society lists may be used by that society for its own purposes as the designated person may authorize.
- d. An AIP list may be released to other entities only with the written approval of the Executive Director or a designated person.

2. Mailing Lists Requested by Outside Organizations

- a. Lists may be assembled as described in Section 1.
- b. A Society list may be released to other entities only with the written approval of the President or other designated person.
- c. Lists assembled on a geographical or a technical basis (e.g. sections, interest groups, member grade) must have explicit written approval of the Society.
- d. Requests for use of lists by outside organizations shall be honored provided:
 - i. The requesting entity shall have pledged the list will not be copied, and that the use will be for one time only.

D01130

- ii. A copy of the material mailed, or the text for it, be supplied for review as to consistency with these guidelines and for approval by the Executive Director or person designated by him for AIP lists or, in the case of Society lists, by the person designated by the Member Society.
- e. AIP mailing lists can be made available to educational institutions for purposes consistent with the aims of AIP. Lists will be released only with the approval of appropriate authorities.
- f. If AIP is a co-sponsor of an activity with outside not-for-profit organizations, lists in support of the activity may be obtained by the co-sponsoring organization in accordance with these policy statements.

3. Financial Matters

- a. Net income from the sale of the lists shall be credited to the owner of the lists, namely AIP in the case of lists maintained by AIP for itself and its units, and the Member Societies in the case of membership lists of the Societies.
- b. When orders for mailing lists that require special programming are approved, programming costs plus any applicable overhead charge will be billed to the purchaser.
- c. Rates for the sale of mailing lists and labels shall be established and reviewed by the AIP Executive Committee no less frequently than triennially. Rates shall be established for:
 - i. In-house use for AIP and Member Society purposes.
 - ii. Use by educational and other not-for-profit organizations.
 - iii. Use by commercial organizations.

Authority:

Approved: Executive Committee
Management Committee

Date: 9/87
5/97

Procedure:

The procedure is included in the Policy statement.

Background

and Policy: Annual target for budgeted net income will be approximately breakeven after including a portion of income on Segregated Reserves equivalent to 2% of the market value of Segregated Reserves.

Authority:

Approved: Management Committee

Date: 5/97

**Background
and Policy:**

Budget assumptions for the following year are to be presented for approval at the March meeting of the Executive Committee and Board. The budget itself will be presented at the October meeting of the Executive Committee and Board.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/92
 5/97

**Background
and Policy:**

AIP Management is authorized to acquire unbudgeted capital items up to a total equal to the contingency amount contained in the annual Capital Expenditures Budget. This authorization notwithstanding, any individual unbudgeted capital item costing \$25,000 or more must be approved by the Executive Committee.

Authority:

Approved: Executive Committee
 Management Committee

Date: 12/91
 5/97

Procedure:

Unbudgeted items of \$25,000 or more should be brought to the attention of the Chief Financial Officer for the next Executive Committee agenda.

D01134

**Background
and Policy:**

The Executive Director, in consultation with the Chair and Secretary of the Governing Board, is authorized annually to set the salaries for the board-designated officers of the Institute.

Authority:

Approved: Executive Committee
 Management Committee

Date: 12/91
 5/97

Charges to Affiliated Societies

#221.01

Page # 1 of 1

Background

and Policy: Services to Affiliated Societies will be offered at full cost including all overhead plus a possible surcharge.

Authority:

Approved: Governing Board
Management Committee

Date: 3/91
5/97

D01136

Reporting on Activity of Affiliated Societies

#221.02

Page # 1 of 1

Background and Policy:

Management is requested to report annually (a) on the amount of business done for Affiliated Societies and related organizations, and (b) on the effect that the business reported in (a) has on business done by AIP and for the Member Societies.

Authority:

Approved: Executive Committee
 Management Committee

Date: 12/90
 5/97

D01137

**Background
and Policy:**

Senior management may offer journal order processing, fulfillment and distribution services to IOP at below AIP's fully burdened cost, but not less than prices to be charged to the Member Societies.

Authority:

Approved: Executive Committee
 Management Committee

Date: 6/91
 5/97

**Background
and Policy:**

Authorizes the payment of travel expenses for AIP Committee members at the discretion of appropriate managers. Substitute members, officially designated by a Member Society's Executive Officer or President, will also be reimbursed for travel expenses.

Authority:

Approved: Management Committee

5/97

Procedure:

Expense reports should be directed to and approved by the AIP liaison and submitted to Accounting for reimbursement.

D01139

**Background
and Policy:**

The Institute provides American Express corporate credit cards to employees who travel frequently on AIP-related business.

The corporate credit card is not to be used to charge personal expenses.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Designation of authorized cardholders is made by individual Management Committee members.
2. Staff may charge business transportation, hotels, car rentals, meals and other business expenses to the corporate card.
3. Personal checks may be cashed for up to \$250, when registering and paying with the corporate credit card, at participating hotels and motels in the U. S. and Canada. In addition, the user may cash checks for up to \$1,000 at Travel Services Offices of American Express, its affiliates and representatives worldwide, subject to cash availability and local restrictions.
4. Report lost or stolen cards to the Office of the Treasurer immediately. Replacements will be provided.

**Background
and Policy:**

Land is carried at cost and is not subject to depreciation; buildings and improvements thereto are recorded at cost.

Building and major improvements thereto are to be depreciated on a straight line basis over the remaining life of the building; the cost of maintenance and repairs is charged to expense as incurred.

Furniture and equipment are charged at cost and depreciated over their estimated useful life, using the straight line method.

Authority:

Approved: Executive Committee
 Management Committee

Date: 9/86
 5/97

D01141

Liability Coverage for Individuals

#230.01

Page # 1 of 1

Background and Policy:

The Institute shall provide liability insurance to directors, officers, staff, committee members, editors and referees in the course of discharging their duties on behalf of AIP.

Authority:

Approved: Executive Committee
Management Committee

Date: 12/86
5/97

D01142

Travel Insurance Benefits for Employees

#231.01

Page # 1 of 1

Background

and Policy: Employees required to travel on Institute business are insured for accident and/or death while traveling. The dollar amount of coverage is based on salary.

Authority:

Approved: Management Committee

Date: 5/97

D01143

Member Society Dues

#240.01

Page # 1 of 1

Background and Policy:

The amount of dues to be paid to the Institute by each Member Society, per individual member, as required and limited by Article VIII of the Constitution, shall be set annually by the Governing Board. The number of individual members is certified in the previous year according to Article V of the Constitution. \$2 per member should be credited to *Physics Today* each year.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/91
 5/97

D01144

**Background
and Policy:**

In addition to current methods used for charging for publishing services, management may enter into bilateral agreements with various societies to charge competitive rates for publishing services.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/95
 5/97

Procedure:

Such agreements will be negotiated by and put in writing by the Vice President, Publishing.

D01145

Background

and Policy: AIP will pay interest to Member Societies on the funds collected for them by AIP. The interest rate will be that earned by AIP on invested working capital.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Interest earned will be reported to and paid to Member Societies periodically during the year.

**Background
and Policy:**

With prior arrangement and approval, and subject to availability, meeting rooms at any of the Institute's locations are available for business-related meetings and conferences during normal business hours. Requests for use of the meeting rooms after normal business hours will be considered on a case-by-case basis. Meetings held at the American Center for Physics (ACP) in Maryland must follow ACP guidelines. See attached for details.

Authority:

Approved: Management Committee
 ACP Board

Date: 8/88, 5/97
 12/94

Procedure: See attached Guidelines

Attachment: Guidelines for Use of the American Center for Physics

Guidelines for Use of the American Center for Physics

The American Center for Physics is an office building serving the needs of the resident societies and their members and staffs. Hence, the allocation of any space of facilities in the building will be primarily committed to this fundamental purpose.

Since the American Center for Physics has attractive and convenient facilities that may be of interest to other groups, the ACP Board of Directors has established guidelines for the possible use of our facilities by outside groups.

Guideline 1

Any use by outsiders will be subject to assurances that the use does not compromise the quality or the cleanliness or the general professional decorum of the building and its surrounding areas.

Guideline 2

Outside uses may be permitted for activities that are in the interests of the public or the local community. Activities of direct interest to ACP and its resident societies will generally be considered as appropriate uses.

Guideline 3

In general, substantial ACP staff involvement in the activities will be expected before approval is granted for public or local community use of the facilities. An ACP staff person is expected to be present throughout the use of the building and the decisions of that staff person will control any proposed use.

Guideline 4

Preference will be given to activities of an educational or a scientific nature. This is consistent with the fundamental purposes of the resident societies and of ACP itself. Preference will be also given to activities which are most directly tied to the missions of the separate resident societies.

Guideline 5

Outside uses may be permitted providing that they do not constitute any significant direct or indirect financial burden on ACP. Hence, while ACP does not expect to levy any rental or administrative charges for outside uses, charges for incremental costs will be made. Any catering must be provided by a caterer approved by ACP.

Guideline 6

In general, fund raising activities for political uses will not be permitted in the building or on the property.

Guideline 7

No activity will be considered if it might compromise in any way the non-profit, tax-exempt status of ACP and its member societies.

Guideline 8

Sales of goods or services will not be permitted in the ACP facilities. No activity will be permitted if there is an admission fee.

Guideline 9

Any outside use will generally be limited to hours outside of the normal workday and will be limited to the outside grounds and the first floor of the building.

These guidelines are established in order to balance the need to maintain the private office role of this building and the recognition that ACP is a member of a community and wishes to be a constructive citizen of that community. Hence, we are prepared for outside groups to have limited use of our facilities providing that the use is carried out with great respect to the physical resources and is consistent with the general interests of ACP and educational and scientific activities.

Requests for use of ACP by outsiders must be made in writing by the ACP staff person involved with the outside group. Approval authority for such requests rests with the Chair of the ACP Board of Directors. In the extended absence of the Chair, approval may be granted by the Secretary or the Treasurer of the Board.

Name of Outside Group

Number of People

Date(s) of Function

Time Requested

Room Set-up and Equipment Requested: _____

Other Requested Services: _____

REQUIRED SIGNATURES (Acknowledging Adherence to Guidelines)

Representative of Outside Group

Participating ACP Staff Person

ACP Office Services

ACP Chair/President

Date of Approval: _____

**Background
and Policy:**

All requests for service to be performed by Facility Services Division must be in writing; completion of the appropriate work request form, including a Manager's signature, is required.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. When requesting work, complete the appropriate form, have it signed by a Manager and forward it to the Manager of Facility Services.
2. Requests will be addressed in order of receipt; exceptions due to emergencies, etc. will be evaluated by the Manager of Facility Services.
3. Individuals should not arrange for service calls (with outside vendors); all such calls will be the responsibility of the Manager of Facility Services.
4. Specifics of the situation, such as location of the equipment, serial and model numbers are requested.

Attachment:

Request forms attached: Job Order (for printing & duplicating services), Design Services and Maintenance work request forms

SAMPLE

JOB ORDER		
DATE	REQUESTED BY (NAME/EXT)	DELIVER TO (NAME/DEPT/LOC)
DELIVERY DATE DESIRED	CHARGE TO:	
JOB DESCRIPTION:		
TYPE SERVICE(S) REQUIRED <input type="checkbox"/> DUPLICATING (see below) <input type="checkbox"/> AFFIXING LABELS <input type="checkbox"/> MAILING <input type="checkbox"/> DATA PROCESSING <input type="checkbox"/> OTHER (Render full particulars under INSTRUCTIONS)		
QUANTITY _____ PAGES _____ ONE SIDE <input type="checkbox"/> TWO SIDES <input type="checkbox"/> PAPER _____ INK COLOR(S) _____	FOLDING 1/2 <input type="checkbox"/> 1/3 <input type="checkbox"/> PADDING <input type="checkbox"/> COLLATE <input type="checkbox"/> STAPLE CORNER <input type="checkbox"/> SADDLE <input type="checkbox"/> FINAL SIZE _____	
SPECIAL INSTRUCTIONS		

D01151

BUILDING FACILITIES DIVISION
REQUEST FOR DESIGN SERVICES

Date: _____

Section: _____

Description: _____

Requested by: _____

Approved by (Div Mgr): _____

D01152

WORK REQUEST
for
MAINTENANCE DEPARTMENT

Date: _____

Section: _____

Description: _____

[illegible]

Requested by: _____

Approved by (Div. Mgr.): _____

B. F. Div. Mgr. Approval: _____

D01153

**Background
and Policy:**

In accordance with federal regulations pursuant to the Immigration Reform and Control Act of 1986, it is the Institute's policy to hire only those individuals who are authorized to work in the United States. All individuals offered employment will be required to submit proof of their identity and employment eligibility. Any individual employed after November 6, 1986 will be required to complete and sign, under oath, Immigration and Naturalization Service Form I-9, and individuals who are authorized to work in the United States for a limited period of time will be required to submit proof of employment authorization and sign another Form I-9 in order to remain employed.

Authority:

Federal Law, Immigration Reform and Control Act, November 1986

Procedure:

1. At time of hire, new employees will be required to produce one of the following as acceptable proof of identity:

- a) State driver's license
- b) State or federal ID card
- c) School ID card with photograph
- d) Voter's registration card
- e) U.S. Military card or draft record
- f) Military dependent's ID card
- g) U.S. Coast Guard Merchant Mariner Card
- h) Native American tribal document
- i) Driver's license issued by a Canadian government authority

For persons under age 18 who are unable to present a document listed above:

- j) School record or report card
- k) Clinic, doctor or hospital record

2. To verify employment eligibility, an individual needs to show:

- a) Original social security card
- b) Certification of Birth Abroad issued by the Department of State
- c) Native American tribal document
- d) U.S. Citizen ID Card (INS Form I-197)
- e) ID Card for use of Resident Citizen in the United States (INS Form I-179)
- f) Unexpired employment authorization document issued by the INS (other than those listed above under 1)

D01155

3. Documents that establish both identity and employment eligibility are as follows:
 - a) U.S. passport (expired or unexpired)
 - b) Alien Registration Receipt Card with photograph (INS Form I-151 or I-551)
 - c) Unexpired Temporary Resident Card (INS Form-688)
 - d) Unexpired Employment Authorization Card (INS Form I-688A)
 - e) Unexpired Reentry Permit (INS Form I-327)
 - f) Unexpired Refugee Travel Document (INS Form I-571)
 - g) Unexpired Employment Authorization Document issued by the INS which contains a photograph (INS Form I-688B)
4. I-9 forms must be kept for three years or one year after an employee is terminated, whichever is longer.
5. Independent contractors do not have to verify eligibility.
6. A "grandfather clause" protects employers who hired "illegals" before the law was signed (11/7/86).

**Background
and Policy:**

All recruitment for new or open positions at the Institute is coordinated by Human Resources.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Managers wishing to create a new position or to hire, promote or transfer to fill a vacancy must first contact Human Resources.

1. Prepare a job description; if the position is a new one, this job description must be evaluated in HR to determine appropriate salary grade.
2. Complete a Request for Personnel Form (copy attached). Approval is required for all positions.
3. Hiring manager will work with HR staff in posting, advertising and interviewing to fill approved positions. Recruiting department pays for cost of recruitment (job ad, travel expense for out-of-area candidates, placement agency or employee referral fee, etc.)
4. Human Resources staff handle the scheduling of interviews, and all candidates interviewed must complete an Application for Employment. An Interview Evaluation should be completed for each candidate interviewed; once hiring manager has made a decision, reference checks must be conducted and an Employment Offer Form must be completed and signed by two levels of management.
5. Job offer will be handled by Human Resources staff.

Reference: Job Posting policy #324.02

Attachment: Position Approval Form
Personnel Change Form
Employment Offer Form
Telephone Reference Check

AMERICAN INSTITUTE OF PHYSICS

Position Approval Form

Position Title: _____ Date: _____

Division: _____ Section: _____

☐ Exempt ☐ Non-Exempt

Salary Grade: _____ Salary Range: \$ _____ or \$ _____ per hour

Location: ☐ Melville ☐ College Park ☐ other _____

If this is a grant-funded position, what is the name of the grant? _____

[Note: all positions require Management Committee approval]

NEW HIRE (Please check all appropriate boxes)

- ☐ Regular position ☐ Temporary position (for what term? _____)
- ☐ Hourly position ☐ Independent Contractor (questionnaire must be completed and submitted to Human Resources for review)
- ☐ Cottage Industry

Is this a replacement? ☐ Name of employee to be replaced: _____

Is this a budgeted position? ☐ Budget authorization dates: _____

Is this an unbudgeted position? ☐

Comments _____

APPROVALS:

Approval granted to post, recruit and hire for this position.

Hiring Manager Date Officer Date

Director Date T. C. Braun, Dir., Human Resources Date

TO BE COMPLETED BY HUMAN RESOURCES DEPARTMENT

Name of New Employee: _____ Date Employed: _____

Starting Salary: _____ Grade: _____ Job Title: _____

REMINDER TO MARYLAND H.R. STAFF: FORWARD COPY OF SIGNED FORM TO M. GRIESMER

AMERICAN INSTITUTE OF PHYSICS
PERSONNEL CHANGE FORM

DATE _____

EMPLOYEE NAME _____ JOB TITLE _____

DIVISION _____ SECTION _____

LOCATION ☐ Melville ☐ Maryland ☐ Other EFFECTIVE DATE _____

ACTION REQUESTED	<u>FROM</u>	<u>TO</u>
SALARY CHANGE	_____	_____
TITLE CHANGE	_____	_____
JOB GRADE CHANGE	_____	_____
DIVISION CHANGE	_____	_____
SECTION CHANGE	_____	_____
COST CENTER CHANGE	_____	_____
SHIFT CHANGE	_____	_____
OTHER	_____	_____

Was this a transfer to a budgeted position? ☐ Yes ☐ No

Name of employee to be replaced: _____

EXPLANATION FOR THE CHANGE _____

APPROVALS:

Hiring Manager Date

Officer Date

Director Date

T.C. Braun, Dir., HR Date

AMERICAN INSTITUTE OF PHYSICSEmployment Offer Form

Name of Applicant: _____

Position Title: _____ Reports to: _____

Salary Grade: _____ FLSA [check one] ☐ Exempt ☐ Non-Exempt

Salary Range [min] _____ [mid] _____ [max] _____

Proposed Starting Salary: (special approval is needed for offers above the midpoint): _____

Proposed Starting Date: _____

IMPORTANT:

It is sometimes the responsibility of the hiring manager to conduct telephone reference checks on a candidate before a hiring decision is made. If you have done the reference checks, please use the Telephone Reference Checklist provided by Human Resources and check below.

☐ Reference check (please attach completed Telephone Reference Check)

Proposed offer must be reviewed with Human Resources. Please check below to indicate that this has been done.

☐ Human Resources Review

No offer can be considered official without two levels of approval. Please sign and obtain necessary approvals before returning this form to Human Resources.

SIGNATURES:_____
[Hiring Manager]_____
Date_____
[Hiring Manager's Supervisor]_____
Date

This form, appropriately completed and signed, must be returned to HR with the Employment Application, any Reference Checks you may have done, and your interview notes.

12/94

AMERICAN INSTITUTE OF PHYSICSTELEPHONE REFERENCE CHECK

Applicant's Name _____ Date: _____

Company Name: _____ Phone Number: _____

Dates of Employment: _____

Position Held: _____

Duties: _____

Reason for Leaving: _____

Employee's Quantity of work _____

Quality of work _____

Knowledge of work _____

Ability to learn _____

Attendance _____

Ability to get along with others: _____

Were there any personal problems which affect employee's work? _____

If yes, please explain: _____

Salary _____

Would you rehire? _____ If not, why? _____

Information received from _____ Title _____

Information received at AIP by _____

Signature

Date

D01161

**Background
and Policy:**

The Institute employs individuals in the following categories:

1. Regular full-time employees:
New York: regularly work at least 35 hours per week on AIP premises
Maryland: regularly work at least 37.5 hours per week on AIP premises
2. Regular part-time employees: regularly work at least 25 hours per week (but less than full-time) on AIP premises.
3. Hourly employees: work on AIP premises, but less than 25 hours per week.
4. Temporary employees: work as needed on an irregular basis on AIP premises.
5. "Cottage Industry" employees: work at least 20 and less than 25 hours a week at home.

Note on benefits: Regular full-time and regular part-time employees are eligible for all employee benefits; hourly, temporary and cottage industry employees receive limited benefits.

Authority:

Approved: Management Committee Date: 5/97

Procedure:

At the time of hire, an employee is informed of the category and terms of employment. AIP may change an employee's category of employment. An employee may request a change of his/her category of employment through his/her Supervisor or Human Resources.

D01162

**Background
and Policy:**

The use of Independent Contractors ("consultants") is carefully monitored to ensure compliance with Internal Revenue Service requirements. Therefore, no Independent Contractor may be recruited, nor will they be paid, unless the steps described below (under "Procedure") have been followed.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. The Employee vs. Independent Contractor form should be filled out and returned to Human Resources whenever an "outside" hire is being considered. This will help determine whether the individual should be classified as a cottage industry employee or an Independent Contractor.
2. If Human Resources determines that the individual is an Independent Contractor, then the division will be asked to prepare an Independent Contractor Agreement for signature by all parties to the contract, and approval by the Division Manager & Director or Officer. This Agreement will detail the kind and duration of work to be performed and specify the rate of payment. After completion, a copy of this agreement must be sent to Accounting and Human Resources.
3. In order for the Independent Contractor to be paid, a purchase requisition must be completed and sent to Facility Services Division (Purchasing), along with a copy of the Agreement. Based on this purchase requisition, a Purchase Order (PO) number will be issued.
4. Subsequently, when invoices are received from the Independent Contractor, the invoice must be approved by the Division Manager & Director, and the PO number must be written on the invoice and forwarded to Accounting for processing. (Note: under no circumstances are Independent Contractors to complete a "time sheet" -- they must invoice the Institute at the rate specified in the Agreement).

Attachments: Employee vs. Independent Contractor Checklist
Independent Contractor Agreement

D01163

EMPLOYEE VS. INDEPENDENT CONTRACTOR/CONSULTANT Page # 2 of 5

Instructions: on each line check the statement that applies (either A or B)

Name: _____

Function: _____

	Employee	A	Independent Contractor	B
1	Must comply with employer's instructions about when, where, and how to work.		Determines place and sequence of work	
2	Trained by employer		Train on their own	
3	Services are part of business operations		Services may not be related to employer's business	
4	Work done personally		Others can do the work if contract is completed	
5	Has assistants hired by the employer		Employs own assistants	
6	Has continuous relationship with employer		Works by the job	
7	Work hours set by employer		Sets own work hours	
8	Work full-time for one employer		Services offered to the public	
9	Work done on employer's premises or designated site		Generally works off-site	
10	Must follow set order of work		Can set own sequence	
11	Submits regular reports		Files report when job ends; interim reports possible	
12	Paid by the hour or salary		Paid by the job	
13	Business and travel expenses paid by employer		Pays own business and travel expenses; part of cost of job	
14	Tools and equipment provided by employer		Furnishes own tools and equipment	
15	Has no investment in facilities used		Has significant investment in facilities used	
16	No profit or loss incurred		Can make a profit or suffer a loss	
17	Works for one firm at a time		Works for several companies at one time	
18	Services offered exclusively to one employer		Makes services available to general public	
19	Can be fired at any time		Cannot be fired if results satisfy contract	
20	Can quit at any time without liability		Must complete job according to contract specifications	

Proposed Payment Schedule _____ per _____

Signatures: _____

Division Approval: _____ Date _____

Management Approval: _____ Date _____

HR use only

Based on a review of this questionnaire, position to be filled by

☐ an Independent Contractor☐ an Employee**D01164**

Payment schedule reviewed & found appropriate

HR Signature _____

Date _____

P.O. # _____

INDEPENDENT CONTRACTOR/CONSULTANT AGREEMENT

Agreement dated _____ between American Institute of Physics ("AIP") and _____
(the "Independent Contractor").

WHEREAS, the Independent Contractor is engaged in the business of providing services
as an independent contractor to (describe services) _____ and,

WHEREAS, AIP is in the business of publishing journals and magazines, and

WHEREAS, AIP desires to retain the Independent Contractor to provide such _____
_____ services.

NOW THEREFORE, as a result of negotiations between AIP and the Independent
Contractor, the parties agree as follows:

1. Independent Contractor's Obligations. AIP engages the Independent Contractor on
a non-exclusive basis to _____ on such terms and conditions
hereinafter provided. Subject to AIP's performance of its obligations under Article 2, the Independent
Contractor shall (describe ultimate services and date due)

2. AIP's Obligations. AIP shall furnish the Independent Contractor (attached
information or project guidelines) _____ sufficiently in advance so that the
Independent Contractor may timely perform its obligations in Article I.

3. Independent Contractor Relationship.

(A) As an independent contractor, the Independent Contractor shall have the sole
responsibility and control of the manner and means of providing the services required hereunder, and AIP
shall not interfere in any manner with the conduct of the Independent Contractor's business. Independent
Contractor shall have the right, in its sole discretion, to engage in its own employees and agents to satisfy
its obligations hereunder. Such employees and agents of the Independent Contractor shall be engaged, if at
all, at the Independent Contractor's own risk, expense and supervision, and shall not have any claim
against AIP for compensation or reimbursement.

(B) The Independent Contractor is engaged by AIP on a non-exclusive basis. The
Independent Contractor has the right to engage in any other business, either within, or outside the journal
and magazine field, and has the right to deliver services to other publications.

(C) The Independent Contractor will bear all the costs of operating its business
and is solely responsible for any and all federal, state and local taxes. The Independent Contractor will
provide to its employees and agents such equipment and machines as it, in its sole discretion, deems
appropriate.

D01165

The Independent Contractor will be solely liable for failing to comply with any applicable laws and regulations including, without limitation, all laws and regulations requiring the maintenance of appropriate licenses, permits and insurance on behalf of the persons, vehicles and liabilities involved in the operation of its business, and the provisions of the applicable workers' compensation and unemployment insurance laws.

4. Termination.

(A) If either the Independent Contractor or AIP fails to perform its obligation pursuant to Article 1 or Article 2, respectively, or if the Independent Contractor shall fail to perform its obligation pursuant to Article 3, the other party may terminate this agreement forthwith by giving seven (7) days' written notice.

(B) If either AIP or the Independent Contractor fails to perform any of its obligations under this agreement, the other party may terminate this agreement upon giving the breaching party seven (7) days' written notice.

(C) Notwithstanding the foregoing, either party may terminate this agreement in its entirety without cause by giving at least thirty (30) days' prior written notice of termination. In the event either party fails to give at least thirty (30) days' prior written notice, it shall forfeit to the other party, as liquidated damages, an amount equal to the sum of four (4) weeks' compensation immediately preceding the termination.

5. Indemnification.

The Independent Contractor indemnifies and holds AIP, its officers, agents, successors and assigns harmless from any liabilities, claims, costs and expenses, including reasonable attorneys' fees, incident to any claim, loss, damage, expense or injury to the person or property of the Independent Contractor or to the person or property of any person or entity injured through the acts, omissions, or negligence of the Independent Contractor (or through the Independent Contractor's violation of its obligations pursuant to Article 3C hereof) or any of the Independent Contractor's employees or agents, or any person subject to the supervision of the Independent Contractor.

6. Compensation. AIP agrees to pay Independent Contractor _____ (per month) or _____ (per project with installment payments of _____ per month) or per hour up to _____ for the total project.

7. Entire Agreement. This agreement shall supersede any and all previous written or oral agreements between the parties. Any subsequent modification of this agreement which may be negotiated by the parties hereto must be in writing and signed by the parties hereto.

8. Term. This agreement will remain in full force for a period of _____ from the date and year first above written.

D01166

9. CONTRACTOR acknowledges that the Work is a "work for hire" and that AIP is the copyright owner of the Work and holds the exclusive and copyright rights. If for any reason this Work is at any time deemed not [to] be a work for hire, then CONTRACTOR hereby transfers and assigns to AIP all of the CONTRACTOR'S right, title and interest, including the copyright, in and to the Work, it being the intention of the CONTRACTOR that AIP shall own exclusively for the life of the copyright in the Work, all such rights in and to the Work. CONTRACTOR also acknowledges that any other intellectual property rights, including trademark, belong solely to AIP.

IN WITNESS WHEREOF, this agreement has been executed by the Independent Contractor and by the authorized representative of American Institute of Physics on the day and year herein written.

INDEPENDENT CONTRACTOR

BY: _____

Signature

Date

Name: _____

Address: _____

Telephone: _____

Soc Security #: _____

AMERICAN INSTITUTE OF PHYSICS

BY: _____

Signature

Date

Effective Date: _____

D01167

**Background
and Policy:**

The first six consecutive months of employment are considered to be an introductory period of employment; employee performance will be evaluated during this period. Employees may be terminated during this period without notice; successful completion of this period does not create permanent employment.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Supervisors will monitor the training and performance of new employees, conducting a formal six-month performance evaluation near the end of the introductory period. Based upon the supervisor and/or manager's appraisal, a decision will be made regarding continuation of employment.

Attachment: Initial Six-Month Performance Review

D01168

AMERICAN INSTITUTE OF PHYSICS
INITIAL SIX-MONTH PERFORMANCE REVIEW

Employee's Name: _____ Division: _____

Employee's Title: _____ Reports to: _____

Date hired: _____ Date Due: _____

	SATISFACTORY	NEEDS** IMPROVEMENT	UNSATISFACTORY**
Response to training			
Ability to handle job tasks and duties			
Ability to work with others			
Carrying out instructions			
Quality of work			
Quantity of work			
Ability to perform without supervision			
Attendance			

****If an employee receives a "Needs Improvement" or "Unsatisfactory" then comments and corrective action must be written below.**

Comments by Supervisor:

Comments by Employee:

Recommendation: To continue employment _____
 To be terminated effective _____

Supervisor's Signature _____ Date _____
 Employee's Signature _____ Date _____

Background

and Policy: If an individual must relocate his/her primary residence in order to accept an offer of employment at The American Institute of Physics, the following relocation assistance will be offered.

Eligible relocation expenses (as defined below) of no more than fifteen percent (15%) of annual base salary may be reimbursed. Reimbursable expenses include:

- (1) the cost of a visit for the purpose of locating a place to live, including meals, transportation and hotel accommodations;
- (2) the cost of moving household goods;
- (3) miscellaneous other expenses related to the move, which may include personal travel, or travel by family members, and rental agent or real estate broker's fee. Receipts required.

An employee who has received relocation assistance may be asked to repay a prorated portion of the reimbursement if (s)he resigns before completing one full year of employment.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

When relocation assistance has been authorized, written requests for reimbursement accompanied by receipts will be processed in Human Resources and sent to Accounting for preparation of check(s). Relocation-related questions should be referred to the Director, Human Resources.

D01170

**Background
and Policy:**

Employees of the Institute can receive a monetary bonus for referring applicants who are hired for a position at AIP and successfully complete six continuous months of employment. To be eligible for this payment, the referring employee must be employed by AIP at the time the new hire completes his/her introductory period of employment. When these conditions are met, the payment is as follows (depending on the employment category of the new hire):

- | | |
|---|-------|
| 1. Regular full-time employee | \$400 |
| 2. Regular full-time employee in Exempt Grade 7 and above, an additional payment after new employee completes a year of continuous employment | \$400 |
| 3. Regular part-time employee | \$200 |
| 4. Hourly or cottage industry position | \$150 |

Note: Officers of the Institute, Human Resources staff and the hiring manager/supervisor are not eligible to receive this bonus:

Authority:

Approved: Management Committee Date: 6/98

Procedure:

An applicant should indicate the name of the employee who suggested he/she apply for the vacant position. However, it is the referring employee's responsibility to notify Human Resources of the referral within two weeks of the hire.

D01171

**Background
and Policy:**

Having members of the same family employed by the Institute can be a positive factor adding to the strength of the staff, and is encouraged except as set forth below.

"Relatives" for the purposes of this policy include immediate family members (parent, child, sibling, or spouse); family members by marriage (parent-in-law, son- or daughter-in-law); and, finally, niece, nephew, aunt, uncle, grandparent or grandchild if living in the same household. Relatives (so defined) may be employed at AIP provided that they do not work:

1. in the same section;
2. in positions such that one has supervision, directly or indirectly, over the other;
3. in a position exercising any influence or the appearance of influence over the other's employment, promotion, salary or other related management or personnel actions.

Authority:

Approved: Management Committee Date: 5/97

Procedure:

In the event of a perceived conflict with this policy, please contact the Director of Human Resources.

D01172

**Background
and Policy:**

All employees have a primary responsibility to the American Institute of Physics and are expected to avoid any activity which may interfere, or have the appearance of interfering, with the performance of his or her job responsibilities.

1. A conflict of interest exists if any of an employee's outside business or other interests could adversely affect motivation or job performance at AIP.
2. It is a conflict of interest if an employee's job makes it possible to influence in any way the Institute's relationship with a potential vendor or customer, in which the employee has a financial interest.
3. An AIP employee may not serve as a consultant, or as a director, officer or employee of a company that competes or deals with AIP, or seeks to do so, unless he or she obtains the prior consent of the officer in charge of the department.
4. It may also be a conflict of interest if an employee's outside activities (which in and of themselves may not be conflicts of interest) are so demanding on the employee's time that they interfere with his or her job performance at AIP.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Behaviors that might involve a Conflict of Interest include (but are not limited to):

1. An employee writing and publishing a physics or physics-related article or book, especially if research was done in connection with their AIP position, without first offering the Institute the opportunity to publish.
2. An employee offering any job-related services (e.g., editing physics or physics-related articles or books) for another directly or indirectly competitive company.
3. An employee not informing her/his manager of any job-related services being performed for a competitor or another publisher.

Any potential Conflict of Interest concerns should be brought to the attention of the Officer in charge of the area in which the employee works.

The Institute hopes that the employment relationship established with its employees will be rewarding and long term. However, recognizing that turnover is inevitable, AIP has established guidelines and procedures for termination of employment. There are two categories of termination:

1. Voluntary terminations are those initiated by an employee, e.g., resignation or retirement.
2. Involuntary terminations are those initiated by AIP.

Each of these types of termination is addressed under a separate policy, below:

Resignation, #309.02

Retirement, #309.03

Involuntary Termination, #309.04

Attachment:

Exit Interview form

Termination form

Service Request form

AMERICAN INSTITUTE OF PHYSICS
TERMINATION FORM

#308.01
Page # 2 of 3

To Be Completed by Terminating Employee (or by Supervisor)

NAME: _____ DIVISION: _____

Last day of work: _____ Date notice given: _____

Reason for Termination:

Forwarding address:

Employee's or Supervisor's Signature

To be completed by the supervisor or manager and forwarded to Human Resources
prior to the termination date.

Ratings: E - Excellent
 A - Average

F - Fair
P - Poor

Quantity of work _____

Ability to work with others _____

Quality of work _____

Attendance & punctuality _____

Dependability _____

Recommend for re-employment? _____

Other remarks:

SUPERVISOR'S SIGNATURE DATE

D01175

Employee Service Request Form

#308.01

Page #3 of 3

AIP is committed to provide a smooth transition for new or transferred employees. By completing this questionnaire you will provide us with the information necessary to accomplish this.

Date Submitted: _____

Start Date: _____

Employee Information:

Temporary Employee ☐ Name Change ☐ Other Changes ☐ Explain _____
New Employee ☐ New Employee to replace (if applicable): _____

Name: _____

Title: _____ Last _____ First _____ Middle _____
Division/Location: _____

Cubicle/Office - Phone/Data Jack No. _____

Telephone Information:

Instrument Type _____

One Line ☐ Two Lines ☐ Multi Lines ☐ Direct Inward Dial ☐ Rollover ☐

With Display ☐ Without Display ☐ Voice Mail ☐ Group Pick-Up ☐

ACD Agent ID No. _____ Phone Key Expansion Option ☐ (extra phone keys)

Other requirements: _____

Network Account Information:

Novell Login Account ☐ Unix Server Login Account ☐ Server Name _____

GroupWise Account E-Mail ☐ Pine E-Mail Account ☐ Dial-up Access Account ☐

Computer Equipment Required:

Circle one
New PC ☐ Old PC ☐ CRT ☐ Work Station ☐ (NCR, SUN)
(Was PO issued for new equipment Yes ☐ No ☐ If yes please supply PO number _____

Other Requirements: _____

Card Access Information:

Circle one: New Employee / Change Access / Lost Card:

☐ 24 hrs / 7 days ☐ Mon-Fri / 6:00am - 12:00am ☐ Mon-Sat / 6:00am - 12:00am
☐ Computer Center ☐ Child Care Center ☐ Cottage Staff ☐ Storage Room ☐ Fitness Center
☐ Termination - Effective date _____

Facility Service Information:

Name Plate: Desk ☐ Wall ☐ Please include account charge _____

Furniture: Desk ☐ Credenza ☐ File Cabinets ☐ Chair ☐ Keyboard Holder ☐ Computer table ☐
Bookcase ☐ Bulletin board ☐ White board ☐

Other requirements: _____

MANAGER'S APPROVAL: _____

For additional information contact: Telephone/Nameplates Ext. 2217 - Computers - Ext. 2349

Return original to Facilities Services Division and cc: BS & O Help Desk.

D01176

**Background
and Policy:**

Employees desiring to terminate employment with AIP are expected to give two weeks notice. The official termination date is the last day worked. For those who have given two weeks notice and have been employed at least six months, any accrued vacation pay to which they are entitled will be paid at the time of their departure. Any money owed to AIP will have to be reimbursed by the employee.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

- ☐ Whenever possible, the employee should be encouraged to give written notice of their intent at least two weeks prior to the date of termination.
 - ☐ Human Resources will send a Termination Form and an Exit Interview Form to the employee as soon as notice of intent to resign is received.
 - ☐ At the time of termination, an Exit Interview will be conducted with a member of the Human Resources Department. Among other items covered, the employee will be informed of:
 - The right to continue benefits (COBRA)
 - Any entitlement to payment for unused accrued vacation time
4. The terminating employee will be asked to return:
- Money due, e.g., tuition reimbursement or computer subsidy
 - Credit card & Telephone calling card
 - Keys to office, desk, files
 - ID card and/or Access Card
 - Any AIP-purchased equipment in their possession (e.g., computer, fax machine, cellular phone or pager)

Refer to the Termination & Exit Interview forms following policy #309.01.

D01177

**Background
and Policy:**

Employees planning to retire are urged to provide written notice of their intent at least two weeks prior to the date of termination. Discuss retirement options with a representative of Human Resources and/or TIAA-CREF. Retirement with health insurance benefits is allowed upon completion of 25 years of service and attainment of age 55 or ten years of service and attainment of age 60.

An employee whose position is eliminated as part of a reduction in force will be entitled to retire with health insurance benefits when their combined age and years of service equals 65.

An officer of the Institute with a minimum age of 60 and at least five years of service will be eligible to retire with health insurance benefits when their combined age and years of service equals 70.

Authority:

Executive Committee
Management Committee

Date: 9/81
5/97

Procedure:

1. At the time of termination, an Exit Interview will be conducted with a member of the Human Resources Department. Among other items covered, the employee will be informed of:
 - The right to continue benefits (COBRA)
 - Any entitlement to payment for unused accrued vacation time
2. The terminating employee will be asked to return:
 - Money due, e.g., tuition reimbursement or computer subsidy
 - Credit card & Telephone calling card
 - Keys to office, desk, files
 - ID card and/or Access Card
 - Any AIP-purchased equipment in their possession (e.g., computer, fax machine, cellular phone or pager)
3. Refer to Exit Interview form following policy #309.01.

D01178

**Background
and Policy:**

On some occasions, employment may be terminated on the initiative of the management of the Institute. Discharge can be for any reason not prohibited by law. Employees are free to resign at any time and, correspondingly, AIP reserves the right to discharge an employee for any reason, with or without notice.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. The Supervisor and/or Manager must seek guidance from Human Resources before proceeding with a termination. Adequate documentation is necessary. (Supervisor or Manager will be asked to complete a Termination Form).
2. At the time of termination, an Exit Interview will be conducted with a member of the Human Resources Division. Among other items covered, the employee will be informed of:
 - The right to continue benefits (COBRA)
 - Any entitlement to payment for unused accrued vacation time
3. The terminating employee will be asked to return:
 - Money due, e.g., tuition reimbursement or computer subsidy
 - Credit card & Telephone calling card
 - Keys to office, desk, files
 - ID card and/or Access Card
 - Any AIP-purchased equipment in their possession (e.g., computer, fax machine, cellular phone or pager)

Refer to the Termination & Exit Interview forms following policy #309.01.

Reference: Policy on Progressive Discipline, #321.06
Policy on Severance Pay, #332.04

D01179

Background**and Policy:**

A former employee applying for employment may be re-hired provided that (1) the employee's performance was satisfactory or better, (2) the employee's termination was voluntary or resulted from a job elimination, and (3) the employee is fully qualified for the open position.

Employee benefits: (1) Retirement: A former employee who has satisfied the required waiting period for participation in the AIP retirement plan while employed at AIP immediately qualifies upon re-employment (no waiting period), regardless of the break in service. (2) Health benefits: A former employee with a break in service of no more than two months may re-enroll in health benefits plans without a waiting period. A break in service of over two months necessitates re-enrollment as a new employee (i.e., the standard three-month waiting period).

When a former employee is terminated as part of a reduction in force or reorganization and receives severance pay, the following provisions govern terms of re-employment: (1) An employee re-hired within three months of termination will be reinstated as if returning from leave (full service credit and benefits), but must refund the severance pay. (2) An employee re-hired between three months and one year following termination will be re-hired as a new employee (without service credit and benefits), and must return one-half of the severance pay. (3) If re-hired one year or more following termination, (s)he will be re-hired as a new employee and is not required to return any of the severance pay.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

In any case where repayment of severance is required, this can be deducted from pay over a six-month period. Arrangements will be coordinated by HR and Accounting.

Reference: Severance Pay #332.04

D01180

Background**and Policy:**

Monday - Friday business hours at various locations of the American Institute of Physics are as follows:

Melville, NY 8:45 am to 4:15 pm

College Park, Maryland 8:30 am to 5:00 pm

Authority:

Approved: Management Committee Date: 5/97

Procedure:

1. The normal work week for full-time, regular employees is 35 hours in the New York location and 37.5 hours in Maryland. To the extent not prohibited by law, the Institute reserves the right to change the normal business hours and length of work week for full-time, regular employees.
2. One-half hour is allowed for lunch in New York, and one hour in Maryland. Employees are allowed two 15-minute breaks during the day. In New York there is also an evening shift from 5 until 11:00 pm Monday through Friday; evening workers may take two 15-minute breaks. *Note: while 15-minute breaks are counted as time worked (i.e., they are calculated as part of the work week), lunch time is not.*
3. From time to time business conditions and other factors may require that adjustments be made to these schedules. Also the working hours of individual employees may need to be changed to address special business needs. However, in either of these circumstances, every effort will be made to provide employees with advance notice of changes in daily/weekly work schedules.

Reference:

Non-Standard Work Hours #310.02
Flexible Work Days #310.03
Overtime Provisions #331.01
Compensatory Time #331.02
Shift Differential #331.04

D01181

**Background
and Policy:**

Because major obligations in employees' personal lives may prompt employees to request a change in their working hours, this "non-standard" work-time policy has been established for the NY Publishing Center.

In extenuating circumstances, special consideration will be given to employees who request a shift in their work hours by up to an hour in either direction (i.e., start and end their work day an hour earlier or later than the standard schedule). Thus, for example,

- An employee working a standard seven hour day may request a change in standard start and end times from 8:45 to 4:15 to 7:45-3:15 or 9:45-5:15.
- One who works 40 hours per week may request a change in their standard start and end times from 8:00-4:30 to 7:00-3:30 or 9:00-5:30; OR from 7:45 - 4:15 to 6:45-3:15 or 8:45-5:15.

Authority:

Approved: Management Committee

Date: 8/99

Procedure:

The following rules govern such requests:

1. Employees must submit their written requests to their supervisor at least one month prior to the start date of the requested change.
2. All requests require Management approval and will be reviewed and granted at the discretion of Management. A request for a change in hours may be denied if Management determines that this change would negatively impact AIP's abilities to serve its customers. Criteria used in evaluating requests may include:
 - a. the employee's specific responsibilities,
 - b. the size of the section in which the employee works,
 - c. the number of people who do the same or similar work,
 - d. the extent to which the employee interacts directly with AIP customers,
 - e. the employee's supervisory responsibilities, and
 - f. the number of people within the same section who are currently working "nonstandard" hours.
3. Once a change in hours has been requested and approved, these hours will be considered the new **regular** hours for that employee. No further requests by that employee will be considered for a period of one year.
4. This policy pertains to all shifts, but no employee will work hours beyond 11:30 p.m..

D01182

5. Employees will not be allowed to modify their schedules to hours that are not covered by a supervisor.
6. In the event that two or more employees submit like requests at the same time, they will be considered on the basis of seniority and performance rating.

Management retains the right to rescind any/all requests at anytime if it is deemed necessary for business reasons.

For those employees whose request for a change to standard work time has been approved, the following rules will apply:

1. Employee must change their hours for no less than one month, no more than three months.
2. Employee may request only one change in a 365 day period.
3. If the request is for longer than three months, then the change in hours will be considered permanent.
4. Requests for a change to accommodate school, camp or child care schedules must be accompanied by a letter on official letterhead stating that the employee's child is enrolled in their program.

Background

and Policy:

At its location in College Park, Maryland, AIP has adopted a flexible working schedule. In order to ensure that business needs of the Institute and its member societies are met, certain conditions and restrictions apply.

Core hours from 9 a.m. to 4 p.m. must be worked by all regular, full-time employees. Outside of this core period, employees may start work earlier, finish work later, and take one-half hour rather than an hour for lunch.

Any proposed flexible schedule that meets these criteria must be approved in advance by the employee's immediate supervisor and cleared with the Division Manager. It is the manager's responsibility to ensure adequate coverage in the division during AIP's regular business hours, which are 8:30 a.m. to 5:00 p.m.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. The Division Manager must coordinate the proposed flex-time hours of employees in the division or section to ensure full coverage of phones and functions during business hours. No flexible hours should be approved unless overall coverage can be ensured.
2. At least one exempt (administrative, professional or managerial) employee must be scheduled to be present in every department during all business hours when there are non-exempt staff at work.

D01184

Background**and Policy:**

The Institute, in order to successfully carry on its business, expects regular attendance on the part of all employees. Absences require notification by telephone to immediate supervisor at the beginning of working hours; every day of absence requires such a call. Unreported absences may subject an employee to disciplinary action, including termination; two consecutive days of unreported absence will be regarded as a voluntary resignation. An employee returning from an absence of five days or more will be required to provide a doctor's note.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Each division is charged with recording and reporting attendance for its employees, using a Pay Period Payroll Information Summary (following page) issued by the Accounting Division. These reports are to be completed and returned to Payroll.

Poor attendance, i.e., excessive use of unscheduled leave (unless a result of known medical condition or disability), is a performance issue which may impact on other employees and on the work of the department as a whole. Chronic attendance problems should be discussed with an employee and appropriately documented. Uncorrected attendance problems may become grounds for disciplinary action.

ANNUAL ATTENDANCE STANDARDS

# of Sick Days	# of Incidents	RATING
0-2	0-2	5
3-5	1-2	4
3-5	3-4	3 or 4
5	5	3
6-10	1-2	3 or 4
6-10	3-4	3
6-10	5-7	2 or 3
more than 8	8 or more	1 or 2
more than 10	1-2	3
more than 10	3-5	2 or 3
more than 10	6-8	1 or 2

Reference:

Sick Leave, #311.01

Progressive Discipline, #321.06

D01185

**Background
and Policy:**

The Institute, in order to successfully carry on its business, expects all employees to adhere to scheduled working hours. Lateness is disruptive and, when excessive, may subject an employee to disciplinary action, including termination. However, on occasion lateness cannot be avoided. Employees must explain to their supervisor the reason for lateness. A determination will be made as to whether the lateness is excused. For unexcused lateness, the following table and guidelines apply.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

The following guidelines have been established for use in evaluating the punctuality of non-exempt employees only, and are used in conjunction with the Non-Exempt Performance Appraisal Program.

ANNUAL PUNCTUALITY STANDARDS
for Non-Exempt Employees

# of Unexcused Latenesses (per yr)	RATING
0-2	Outstanding [5]
3-5	Exceeds Requirements [4]
6	Meets Requirements [3]
7-10	Needs Improvement [2]
more than 10	Unsatisfactory [1]

Chronic lateness (unless a result of known medical condition or disability), is a performance issue which may impact on other employees and on the work of the department as a whole. Punctuality concerns should be discussed with an employee and appropriately documented. Continued lateness may become grounds for disciplinary action.

Reference: Progressive Discipline, #321.06

**Background
and Policy:**

The Institute compensates eligible employees for time lost due to personal illness or injury, or for the illness or injury of a child or other (live-in) dependent up to a maximum of ten days per calendar year. Sick leave may also be used for medical/dental appointments or laboratory tests (either for self or for a dependent).

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Eligibility for paid sick leave is limited to regular full- or part-time employees who have been on the payroll for at least three consecutive months.
2. During the first calendar year of employment, eligibility for sick leave is based on length of service as follows: after three months, one day per month remaining in the calendar year .
3. Sick leave may be used in half- or whole-days, as needed.
4. An employee unable to report to work due to illness or injury (as defined in the policy statement above) must notify their direct supervisor as early as possible in the work day.
5. Following absence of more than five consecutive days for personal illness or injury, a doctor's note must be presented to certify that the employee is fit to return to work.
6. Absence for illness or injury for eight or more consecutive days qualifies an employee to receive short term disability benefits; the employee and their doctor must complete the appropriate paperwork and return it to Human Resources as soon as possible.
7. Days absent for reasons of sickness/injury are marked on the monthly attendance sheets, and an ongoing record of sick time available and used is kept in each division. At the end of each year, any days unused (of the total number available for that year) are credited to sick leave accrual (see Sick Leave Accrual policy #311.02).
8. Unused sick days from one year may not be carried forward and used in succeeding years, except as described in the Sick Leave Accrual Policy.
9. When an employee has exhausted all paid sick time for the year, sick leave will be unpaid. Payroll Information Summary sheets must be submitted to Accounting to indicate unpaid absence and to reinstate the employee to payroll when (s)he returns to work.

Reference: Policy #315.05 - Family/Medical Leave

Background

and Policy: All regular full-time and part-time employees of AIP have a "sick leave accrual account." On the first day of each new year employees' accounts will be credited with their unused sick days from the preceding year. Unused vacation leave in excess of 30 days (see note below) will also be converted to sick leave and credited to sick leave accrual on the first day of each year.

Authority:

Approved: Management Committee Date: 11/97

Procedure:

1. Use of accrued sick leave is subject to the following limitations:
 - a. Accrued sick leave may be used only for illnesses or injuries resulting in an absence of eight or more consecutive work days; and,
 - b. Accrued sick leave may be used by an employee to care for a family member as described in the Family / Medical Leave Act (see policy #315.05) in the event of illness, injury or the birth or adoption of a child.
 - c. Accrued sick leave may be used only after all 10 sick days for that year have been exhausted
2. Sick leave accrual records are kept by each Division Manager's office.
3. At the end of each calendar year, unused days are credited to the account, and the record will be updated.
4. When an employee is absent for eight consecutive days (and has no sick leave left for that particular year), the Sick Leave Accrual Record should be consulted; if there are days that can be used, this should be noted on the attendance record.
5. Upon termination of employment, an employee will not be paid for any unused sick time.
6. Return all forms to Accounting.

Note: There are some exceptions in carryover of vacation time for long service employees; refer to the Paid Vacation policy, #314.01.

**Background
and Policy:**

In order to reward exemplary attendance, the following attendance incentives apply to all regular employees:

1. Employees with no more than two sick days during the calendar year (January 1 through December 31) will be awarded a cash incentive bonus of \$200.
2. Employees with no absences for sick leave during the calendar year (January 1 through December 31) will receive 2 bonus days in addition to the \$200 cash incentive bonus.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. New employees are eligible for these incentives only after a full calendar year of employment.
2. Occurrences which qualify under the Family/Medical Leave and Workers Compensation policies (see #312.01 & #315.05) will not be counted as absences under this policy.
3. At the end of each year Human Resources prepares a listing of those eligible for each type of attendance incentive award, based on monthly attendance records submitted. Checks are prepared by Accounting, and letters sent to all eligible employees informing them of their awards.
4. Bonus days can be used as days off with pay and must be used within the subsequent calendar year.
5. Upon termination of employment, an employee will not be paid for any unused bonus days.

D01189

**Background
and Policy:**

Injuries arising out of or in the course of employment must be reported immediately to the immediate supervisor and to the Office of the Director of Human Resources. New York and Maryland laws mandate insurance coverage for medical care and time lost from the job due to work-related illnesses and injuries.

Authority:

New York and Maryland State Laws

Procedure:

1. Employees who are injured are instructed to notify their supervisor and the Office of the Director of Human Resources; a determination will be made concerning the advisability of seeking medical assistance; an employee who is injured while attending an AIP conference is instructed to notify the conference coordinator.
2. By law, the Institute is required to report any injury situations; therefore, appropriate forms must be completed (a written report of the injury should be sent to Human Resources immediately). Claim forms are available in Human Resources.
3. During absences from work resulting from an injury on the job, employees are eligible to use accrued sick leave; when a compensation decision is reached, Workers' Compensation payments will continue until normal employment is resumed, as described below:
 - If employee uses accrued sick time, workers' compensation payments will be credited to AIP.
 - Employees not using sick time will receive workers' compensation payments directly.

An employee should notify his/her supervisor of the expected date of return.

4. See policies #311.01 & #311.02 and relevant sections in AIP's Employee Handbook.

Background

and Policy: All regular full and part-time employees of the Institute are granted twelve paid holidays, which may include one or more personal days. The following days are observed each year as paid holidays:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Presidents' Day	Day After Thanksgiving
Memorial Day	Christmas Day
Independence Day	

In-house hourly and temporary employees with at least one month of continuous service are entitled to receive pay (for their regular hours) on a holiday that falls on one of their regularly scheduled work days.

Authority:

Approved: Management Committee Date: 5/97

Procedure:

The following general provisions apply:

1. Depending on the day of the week Independence Day, Christmas and New Year's Day are celebrated, additional holidays may be added (e.g., day before or after).
2. Holidays which occur during vacations periods are not charged against vacation time.
3. Employees who are absent without authorization on the day preceding or following a holiday are not eligible for holiday pay.
4. Employees on disability (unless using accrued sick leave) or unpaid absences are not eligible for paid holidays.
5. Holiday schedules are issued yearly in September for the following year.

Reference: Paid Personal Days #313.02.

D01191

Background

and Policy: In conjunction with the Institute's paid holiday policy, one or more additional paid personal day(s) may be allowed to complete the annual twelve holidays. Employees may use them for holidays that are not one of the Institute's paid holidays.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Individual supervisors schedule and monitor use of personal days following the conditions described below; any questions concerning proper use of personal days should be referred to the offices of the Human Resources Division.
2. One or more personal days are given to make a total of 12 paid holidays; a holiday schedule is distributed in September, providing details concerning the number of paid holidays and personal days in the following year.
3. Personal days must be requested from immediate supervisors at least two days in advance; personal days which cannot be accommodated will be rescheduled to a mutually agreeable time.
4. No personal days may be carried over into the following calendar year.
5. During first year of hire: in a calendar year with two personal days on the holiday schedule, new employees hired before June 30 receive both personal days; individuals hired between July 1 and September 15 receive one day; in either case new employees must wait three months after date of employment before using a personal day. An employee hired September 16 or later will not receive any personal days until the following calendar year.
6. Personal leave may be used in half- or whole-days, as needed.

Reference: Paid Holidays #313.01

**Background
and Policy:**

The Institute provides paid vacation for regular full- and part-time employees based on length of service, subject to conditions and terms of vacation leave described below.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Vacation time increases with length of service as follows:
 - a. During the first year of employment, an employee receives 12 vacation days for a full 12-month period worked (accrued bi-weekly in hours).
 - b. Second through fifth years of employment (first through fifth anniversary), employees receive 3 weeks of vacation per year (accrued bi-weekly in hours).
 - c. Sixth year and each year thereafter, employees receive 4 weeks of vacation per year (accrued bi-weekly in hours).

Note: Because work schedules vary, a *week* of vacation is defined in terms of an employee's regularly weekly scheduled hours of work, and a *day* of vacation is defined as 1/5 of that amount.
2. Regular employees must be continuously employed for 6 full months before they may use accrued vacation time.
3. Vacation time must be used; no pay is given in lieu of vacation except upon retirement or other termination of employment.
4. A maximum of 30 vacation days may be carried into the next year; all days in excess of 30 will be credited to sick leave accrual (for exceptions to this provision see 5., below).
5. Employees with 15 to 20 years of employment may carry over 35 vacation days; after employment of 20 years, 40 days may be carried over; following the 25th year of employment, 40 days may be carried over until retirement.
6. All vacation schedules must be approved in advance by the division manager.
7. Holidays observed by the Institute which occur during vacation periods will not be counted as vacation time.
8. Each division is charged with maintaining written records of attendance, including sick & personal days and vacation time and reporting attendance to Payroll using a Payroll Information Summary (which may be obtained from Payroll).
9. Vacation may be used in half- or whole-days, as needed.
10. Because our payroll is automated, your final paycheck and unused accrued vacation pay will be mailed to you on the payday immediately following termination.

Reference:

Vacation Pay Advance, #332.03; Service Awards, #323.01

D01193

Background

and Policy: The Institute provides paid vacation for hourly (in-house) employees based on length of service, subject to conditions and terms of vacation leave described below.

Authority:

Approved: Management Committee

Date: 5/97

Revised: 10/99

Procedure:

1. An employee must work a minimum of 15 hours per week and have been employed at least one year to qualify for vacation benefits as follows:
 - a. from completion of one year of employment through the second year of employment, six days of vacation for a full 12-month period (accrued bi-weekly in hours);
 - b. third through fifth year of employment, 12 days of vacation for a full 12-month period (accrued bi-weekly in hours).
 - c. sixth through ninth year of employment, 15 days of vacation for a full 12-month period (accrued bi-weekly in hours);
 - d. tenth year of employment and each year thereafter, 20 days of vacation for a full 12-month period (accrued bi-weekly in hours).

Note: Because work schedules vary, "a day" and "a week" of vacation are defined in terms of an employee's regularly work schedule.

2. Vacation time must be used; no pay is given in lieu of vacation except upon retirement and/or other termination of employment.
3. All vacation schedules must be approved in advance by the division manager.
4. Holidays observed by the Institute which occur during vacation periods will not be counted as vacation time, provided they occur on days that the employee would normally have worked.
5. Each division is charged with maintaining written records of attendance, including sick & personal days and vacation time and reporting attendance to Payroll using a Payroll Information Summary (which may be obtained from Payroll).
6. Because our payroll is automated, your final paycheck and unused accrued vacation pay will be mailed to you on the payday immediately following termination.

Reference: Vacation Pay Advance, #332.03

D01194

Military Leave

#314.01

Page # 1 of 1

Background and Policy:

Employees entering the military service of the United States are eligible for an unpaid military leave of absence during which time service continuity is maintained; provided re-application is made within ninety days from date of discharge, individuals will receive the current rate of pay and other benefits.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Copies of service papers must be presented to Human Resources.

D01195

Background

and Policy: Employees who are obliged to take annual military training will be granted leave of absence; the Institute will make up the difference between regular and military pay, for a maximum of ten days, if the latter is less. If the military pay is more, the period of absence will be considered as leave without pay. Subsistence and quarters allowance are considered part of military pay.

Authority:

Approved: Management Committee

Date: 5/97

Procedure: Appropriate documentation must be supplied to Human Resources.

Background**and Policy:**

Any regular full- or part-time, in-house hourly or temporary employee of AIP who is required to report for jury duty or to appear under subpoena as a witness on a scheduled work day will receive normal compensation from the Institute, provided official documentation is presented. If hours of work do not conflict with jury service, the employee is expected to report for regular work hours. In instances where the locality pays a *per diem* stipend for jurors, the employee keeps only the amount designated for transportation and returns the balance to AIP.

Authority:

Approved: Management Committee

Date: 5/97

Revised: 10/99

Procedure:

An employee who receives a subpoena to appear as a witness or notification of jury duty should immediately inform his/her supervisor or manager, and the time off from work should be indicated as "OWP" (out with pay) on the employee's attendance record for that period.

D01197

**Background
and Policy:**

The Institute will allow paid bereavement leave for up to three working days in order to allow employees to attend services in the event of a death in an employee's immediate family, and one day for all others.

Authority:

Approved: Management Committee Date: 5/97

Procedure:

Definitions: the term "immediate family" includes spouse, children (& stepchildren), parents (& stepparents), grandparents, grandchildren, siblings (& half- or step-siblings) and parents-in-law.

1. Employees should notify their immediate supervisor as soon as they learn of a death in the family that will require them to be absent from work.
2. Paid bereavement leave may be taken any time beginning with the date of death through two days after the funeral.
3. One additional day may be allowed for travel, when the funeral is out of state or a long trip is involved (i.e., total of four days for a death in an employee's immediate family, and two days for all others).
4. Appropriate documentation may be requested.

**Background
and Policy:**

An employee may take up to 12 weeks of unpaid family/medical leave within any 12 month period and be restored to the same or an equivalent position upon return from leave provided that the employee:

- 1) has worked for the Institute for at least 12 months and for at least 1,250 hours in the last 12 months, and
- 2) is employed at a work site that has 50 or more employees within 75 miles.

Reasons for Leave:

- 1) the birth of a son or daughter and in order to care for such son or daughter;
- 2) the placement of a son or daughter with the employee for adoption or foster care and in order to care for the newly placed son or daughter;
- 3) to care for a spouse, son, daughter or parent ("covered relation") with a serious health condition; or
- 4) because of an employee's own serious health condition that renders them unable to perform an essential function of their position.

Leave because of reasons "1" or "2" must be completed within the 12 month period beginning on the date of birth or placement. In addition, spouses employed by the Institute who request leave because of reasons "1" or "2" or to care for an employee's parent with a serious health condition may only take a combined total of 12 weeks leave during any 12 month period.

Authority: Family Medical Leave Act of 1993

Approved: Management Committee

Date: 5/97

Procedure:

1. Notice of Leave: If the need for family/medical leave is foreseeable, at least 30 days prior written notice must be given. If this is not possible, notice must be given as soon as practicable (within 1 to 2 business days of learning of the need for leave). Failure to provide such notice may be grounds for delay of leave. If medical treatment is planned, an employee should first consult with the Institute regarding the dates of such treatment.

When the need for family/medical leave is not foreseeable, notice should be given within 1 to 2 business days of learning of the need for leave, except in extraordinary circumstances. Request for Family/Medical Leave forms are available in Human Resources; this form should be completed when requesting leave.

2. Medical Certification: If leave is requested because of an employee's own or a covered relation's serious health condition, the employee and relevant health care provider must supply appropriate medical certification. Medical Certification Forms are available in Human Resources and must be completed and returned no later than 15 days after leave

D01199

is requested. When it is possible to provide at least 30 days notice of medical leave, medical certification should also be provided before leave begins.

Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The Institute may, at its expense, require an examination by a second health care provider designated by the Institute, if it reasonably doubts the medical certification initially provided. If the second health care provider's opinion conflicts with the original medical certification, the Institute may, at its expense, require a third, mutually agreeable, health care provider to conduct an examination and provide a final and binding opinion. The Institute may require subsequent medical recertification. Failure to provide requested certification within 15 days, if such is practicable, may result in delay of further leave until it is provided.

3. Reporting While on Leave: If leave is taken because of an employee's own or a covered relation's serious health condition, the employee may be required to contact the Institute on the first and third Tuesday of each month regarding the status of the condition and the employee's intent to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days if feasible) if the dates of leave change or are extended, or were initially unknown).
4. Leave is Unpaid. Family/medical leave is unpaid leave, although an employee may be eligible for short or long-term disability payments and/or workers' compensation benefits under those plans.

If leave is requested because of the birth, adoption or foster care placement of a child, or because of an employee's own or a covered relation's serious health condition, any accrued paid vacation, personal or sick leave will first be substituted for any unpaid family/medical leave.

The substitution of paid leave time for unpaid leave time does not extend the 12 week leave period. Further, in no case can the substitution of paid leave time for unpaid leave time result in the employee's receipt of more than 100 percent of regular salary.

5. Medical and Other Benefits: During an approved family/medical leave, the Institute will maintain an employee's health benefits as if actively employed. If paid leave is substituted for unpaid family/medical leave, the Institute will continue to deduct the employee's portion of applicable benefit premiums as a regular payroll deduction. For benefits coverage during unpaid family/medical leave, the employee will be required to pay their portion of the benefits premium by payroll deduction upon their return from leave. If an employee elects not to return to work for at least 30 calendar days at the end of the leave period, the employee will be required to reimburse the Institute for the cost of the benefit premiums paid by the Institute during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

D01200

6. Intermittent and Reduced Schedule Leave: Leave because of a serious health condition may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced leave schedule (reducing the usual number of hours worked per week or day) if medically necessary. If leave is unpaid, the Institute will reduce the employee's salary based on the amount of time actually worked. In addition, while on an intermittent or reduced schedule leave, the Institute may temporarily transfer an employee to an available alternative position, with equivalent pay and benefits, that better accommodates the recurring leave.
7. Returning from Leave: If leave is requested because of an employee's own serious health condition, the employee (except if taking intermittent leave) is required to provide medical certification of fitness to resume work. Return to Work Medical Certification Forms are available in Human Resources. Employees failing to provide the Return to Work Medical Certification Form will not be permitted to resume work until it is provided.

Definitions: For the purposes of this policy, the following definitions apply:

"Spouse" is defined in accordance with applicable state law of the state where the employee resides, including common law marriages where recognized by the state where the employee resides.

"Parent" includes biological parents and individuals who acted as parents, but does not include parents-in-law.

"Son" or "daughter" includes biological, adopted, foster children, stepchildren, legal wards and other persons for whom an employee acts in the capacity of a parent and who is under 18 years of age or over 18 years of age but incapable of caring for themselves because of a physical or mental disability.

"Serious Health Condition" means an illness, injury, impairment or physical or mental condition that involves (1) *"inpatient care"* meaning an overnight stay in a hospital, hospice or residential care facility, including any period of "incapacity" or any subsequent "treatment" in connection with such inpatient care; or (2) *"continuing treatment"* by a "health care provider," meaning an incapacity of more than three consecutive calendar days; and (3) two or more treatments by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services (e.g., physical therapist) under orders or referral of a health care provider; or one treatment by a health care provider resulting in a "regimen of continuing treatment" under the supervision of the health care provider (e.g., prescription medication). Any period of incapacity because of pregnancy or prenatal care (even without treatment by a health care provider during the absence and even if the absence is less than 3 days: e.g., morning sickness); or any period of incapacity because of a "chronic serious condition" (even without treatment by a health care provider during the absence and even if the absence is less than 3 days; e.g., asthma attack, migraine headaches, etc.); or any period of absence to receive multiple treatments by health care providers or the provider of health care services (under order or referral of a health care provider) for reconstructive surgery after an accident, injury, or for a condition that would likely result in a period of incapacity of more than 3 consecutive calendar days if untreated: e.g., cancer (chemotherapy), severe arthritis (physical therapy), kidney disease (dialysis).

"Continuing treatment" means: (1) two or more treatments by a health care provider; (2) two or more treatments by a provider of health care services [e.g., physical therapist] on referral by or under orders of a health care provider; (3) at least one treatment by a health care provider resulting in a regimen of continuing treatment under the supervision of the health care provider [e.g., a program of medication or therapy]; or (4) under the supervision of, although not actively treated by, a health care provider for a serious long-term or chronic condition or disability which cannot be cured [e.g., Alzheimer's or severe stroke].

"Health care provider" means: (1) an MD or OD licensed by the State (or country) in which he/she practices; (2) a podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice under State law; (3) a nurse practitioner and nurse midwife authorized under State law; (4) a Christian Science practitioner (may be required to submit to second or third certification through examination - not treatment of a health care provider); (5) a certified social worker; (6) a health care provider also includes a health care provider who practices in a foreign country in accordance with the laws of that country and (7) any other health care provider from whom the employer or the employee's group health plan benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

"Needed to care for" a family member encompasses: (1) physical and psychological care of a child, spouse or parent with a serious health condition and (2) where the employee is needed to fill in for others providing care or to arrange for third party care of a child, spouse or parent who is receiving inpatient or home care.

The phrase *"unable to perform the functions of his/her job"* means an employee is (1) unable to work at all, or (2) unable to perform any one of the essential functions of his/her position at the time notice is given or leave commenced, whichever is earlier. The term *"essential functions"* is borrowed from the Americans with Disabilities Act (ADA) to mean "the fundamental job duties of the employment position," but does not include the marginal functions of the position.

D01202

**Background
and Policy:**

An employee whose illness or injury prevents him or her from working for an extended period (longer than six months) may be eligible for long-term disability benefits. All regular employees who have completed one year of continuous service (or were insured under a prior employer's group long-term disability insurance policy) are eligible for this coverage. Depending on the condition and prognosis, benefits may continue until eligibility for Social Security benefits begins.

Authority:

Approved: Management Committee Date: 5/97

Procedure:

1. This benefit is administered by MetLife. Forms and summary plan documents are available in the Human Resources Division. A description of this policy can be found in the Summary Plan Documents; should a discrepancy ever arise between this policy and the Summary Plan Documents, the Summary Plan Documents will control.
2. An employee who expects to need long-term disability benefits after exhausting the short-term disability benefit should begin the process of applying well before the end of the six-month period.
3. The Institute retains the right to change, modify or delete this policy at any time.

D01203

Background

and Policy: Approval for unpaid leave may be granted, at the discretion of management, for reasons such as important personal or family matters, educational course requirements, vacation, community or public service work, religious retreat or military summer camp. In all cases, accrued vacation time must be used before unpaid leave begins.

Authority:

Approved: Management Committee Date: May 1998

Procedure:

1. Approval requirements vary with length of the requested unpaid leave:
 - Up to ten (10) days may be approved by a Division Manager.
 - Eleven (11) days to three months may be approved by a Director and Officer, in consultation with the Director, Human Resources.
 - Requests for more extensive leave must be approved by the Executive Director/CEO.
2. Benefits: an employee on an approved leave without pay is entitled to continuation of the benefits to which (s)he would normally be entitled, with one exception. The Institute's contribution to the retirement plan is suspended while the employee is on unpaid leave.

Disability, Life Insurance and vacation entitlement are continued during an approved leave without pay; employees are responsible for that portion of the premium for health (medical, vision, drug and dental) benefits which would have been deducted from their pay.
3. Human Resources must be advised, with as much advance notice as possible, of all unpaid leaves of absence.

D01204

**Background
and Policy:**

In order for them to keep informed of scientific developments relevant to their work at AIP, regular full-time employees of AIP may be granted up to three days of paid leave per calendar year to attend scientific conferences. Prior approval must be obtained from the appropriate Division Head, and will be subject to business needs and scheduling within the department.

Authority:

Approved: Management Committee

Date: 3/99

Procedure:

1. An employee should present information on the conference, including dates, to the division manager with a request for time off to attend.
2. Approval to attend a conference does not necessarily require the Institute to pay the costs of attending the conference.
3. When submitting an attendance report, the department will show this leave as "out with pay."

Any questions concerning the application of this policy may be referred to Human Resources.

Background

and Policy: Personnel records are maintained which contain pertinent and appropriate information about each individual employed by the Institute, and it is important that these records remain timely and confidential.

Procedure:

1. Employees should immediately notify the Human Resources Division of any changes in:
 - a. name
 - b. address
 - c. telephone number
 - d. marital status
 - e. number of dependents
 - f. emergency information

This information may be particularly important with respect to payroll taxes and deductions, benefits coverage, and emergency notification.

2. The Institute periodically and systematically examines its employment and personnel record keeping to assure that individual records are: (a) created, used and disclosed according to consistently followed procedures; (b) kept as accurate, timely and complete as is necessary; and (c) disclosed internally and externally only in accordance with legitimate business interest and as required by law.
3. Only five years worth of employment records are kept in Human Resources files. All personnel records are purged annually, and material older than 5 years will be removed and sent to each individual employee.
4. All employees shall be permitted upon request to see, copy and submit comments to information about themselves as maintained in personnel records. A manager is permitted to review performance appraisals in an employee file only when that employee works in his/her department or division -- or when the employee is being seriously considered for transfer into his/her department or division.
5. Individually identifiable employee record information shall be disclosed outside AIP as required by law. Information to lending institutions such as mortgage companies as well as persons or organizations will be provided only upon written employee authorization.
6. Individual managers and supervisors are responsible for assuring that employee information remains confidential.

D01206

**Background
and Policy:**

AIP has a vital interest in insuring safe, healthful and efficient working conditions for employees. As a federal contractor, AIP has a duty to safely and efficiently provide the public with quality goods and services at a reasonable cost. The unlawful presence of controlled substances in the workplace conflicts with these vital interests and constitutes a violation of the public trust. For these reasons, AIP has established, as a condition of employment and continued employment, the following drug-free workplace policy.

Prohibition Against Unlawful Presence of Controlled Substances in the Workplace. The unlawful manufacture, distribution dispensation, possession or use of a controlled substance on AIP premises, in AIP vehicles or while engaged in AIP activities is strictly prohibited.

Notification of Workplace Drug Conviction. An employee must notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring within the workplace within five (5) days of such conviction. Within ten (10) days of such notification or other actual notice, AIP will advise the contracting agency of such conviction.

Compliance as a Condition of Employment. All employees are hereby advised that full compliance with the foregoing policies shall be a condition of employment at AIP.

Sanctions for Violation of Drug-Free Workplace Policy. Any employee who violates the foregoing drug-free workplace policy described above shall be subject to discipline up to and including immediate discharge.

Required Participation in Drug Rehabilitation. In the discretion of AIP, any employee who violates AIP's drug-free workplace policy may be required, in connection with or in lieu of disciplinary sanctions, to participate to AIP's satisfaction in an approved drug assistance or rehabilitation program.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. In order to maintain a drug-free workplace, AIP has established a drug-free awareness program to educate employees on the dangers of drug abuse in the workplace, our drug-free workplace policy, the availability of drug-free counseling, rehabilitation and any employee assistance programs and any penalties that may be imposed for violations of our drug-free workplace policy. Such education includes distribution of AIP's drug-free work place policy (included in the Employee Handbook) at the new employee orientation session, discussion of AIP's Employee Assistance Program at all benefits enrollment meetings.

D01207

2. Employees who suspect they may have a substance abuse problem are encouraged to seek diagnosis and treatment. AIP's Employee Assistance Program (EAP) offers confidential counseling and treatment referrals. Information on the EAP is available in Human Resources.
3. An employee who declines to seek treatment voluntarily may be "administratively referred" to the EAP.
4. A manager or supervisor who suspects an employee of any type of substance abuse, as manifested by behavior in the workplace, should immediately speak to a representative of Human Resources.
5. In the event an employee appears to be "under the influence" or impaired while at work, the manager should urge the individual to go to the rest area. Then the manager should immediately confer with a representative of the Human Resources Division.

**Background
and Policy:**

The Institute prohibits harassment of one employee by another employee, supervisor or third party on the basis of race, religious creed, color, age, sex, sexual orientation, marital or veteran status, national origin, citizenship, ancestry, or mental or physical disability.

While it is not easy to define precisely what harassment is, it certainly includes teasing, slurs, epithets, threats, derogatory comments, unwelcome jokes or visual depictions or pictures and other similar conduct.

Violation of this policy will not be tolerated and may result in disciplinary action, up to and including discharge.

AIP expects all employees to treat all people in a manner that preserves individual dignity and respect.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Any employee who thinks that he or she is a victim of such harassment, or who witnesses such conduct, should be immediately referred to the Director or Manager of Human Resources. All reports will be promptly and thoroughly investigated.
2. Appropriate remedial or disciplinary action will be taken whenever investigation reveals a violation of AIP policy.

**Background
and Policy:**

The Institute prohibits sexual harassment of any employee by another employee, supervisor or third party. While it is not easy to define precisely what sexual harassment is, it certainly includes unwelcome sexual advances, requests for sexual favors and/or verbal or physical conduct of a sexual nature including, but not limited to, drawings, pictures, jokes, teasing, uninvited touching or other sexually related comments.

Harassment may take the form of either overt conduct or the existence of a "hostile environment." While it is not easy to define precisely what overtly harassing conduct is, it certainly includes unwelcome advances, requests or suggestions and any act, physical, verbal or visual such as uninvited touching or offensive comments.

A harassing or hostile environment is one which allows for, and possibly encourages, jokes or degrading comments of a sexual nature directed at a person or a group of people. Such behavior will not be condoned in the workplace.

Violation of the policy may result in disciplinary action up to and including dismissal of the harasser.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Any employee who feels that he or she has been subject to harassment, or who witnesses such conduct, should be immediately referred to the Director or Manager of Human Resources.
2. All allegations will be speedily and discreetly investigated, and appropriate action taken.
3. Employees participating in any investigation under this policy will have the Institute's assurance that no reprisals will be taken as a result of a sexual harassment complaint.

D01210

**Background
and Policy:**

For the health and comfort of its employees and in compliance with applicable laws and regulations, the Institute maintains smoke-free facilities in its Maryland and New York locations. Smoking is not permitted in AIP buildings (owned or leased property).

Authority:

Approved: Management Committee

Date: 5/97

D01211

Background

and Policy:

In order to avoid unnecessary annoyances and interruptions from work, solicitation by an employee of another employee is prohibited while either person is on working time.

Employee distribution of literature, handbills or other printed materials in work areas is prohibited at all times.

Trespassing, soliciting or distributing literature by non-employees on our premises is prohibited at all times.

Authority:

Approved: Management Committee

Date: 5/97

D01212

Background**and Policy:**

Poor performance and/or violation of AIP policy may result in termination. Because AIP values its employees, however, every effort will be made to avoid termination, observing the procedure described below. When reasonable attempts to resolve the situation have failed, an employee will be discharged.

Progressive discipline is an effective method of identifying and correcting undesirable employee behavior. However, some situations may require immediate imposition of disciplinary measures, including termination.

All employees of AIP are employed at will. Accordingly, employees may be terminated at any time, with or without cause and with or without notice. The progressive discipline procedures described herein may (or may not) be used by the Institute at its sole discretion on a case-by-case basis.

A partial list of terminable offenses can be found in the Employee Handbook in the "Employment Section" under "General Rules of Conduct." Managers and supervisors should always contact Human Resources for advice before taking any action.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. An employee's immediate supervisor discusses performance problems with the employee, citing specific examples, required improvements and a timetable. Supervisors should keep a written record of each conference where employee performance deficiencies are discussed. Supervisors should also keep their manager informed of performance problems and steps taken to correct same.
2. When poor performance continues, supervisor should again confer with the employee, stating clearly that failure to improve will result in termination. At this time, an Employee Warning Notice should be completed and sent to Human Resources.
3. If sustained improvement is not achieved, supervisor should consult with their manager and with the Human Resources Division about initiating termination procedures.
4. At any time in this process, an employee who wishes to discuss concerns regarding their performance and continued employment may go through the chain of command (as described in the Policy on Conflict Resolution, #322).

Attachment: Employee Warning Notice

Reference: See Involuntary Termination, #309.04 and Conflict Resolution, #322

**Employee Warning Notice**

Please Print

Employee Name _____ Date of Warning ____ / ____ / ____
Division _____

Type of Violation (please explain in detail): _____

Previous Warnings:

Oral: Date: ____ / ____ / ____ By Whom: _____

Written: Date: ____ / ____ / ____ By Whom: _____

Supervisor's Comments: Date of Incident ____ / ____ / ____ Time ____ : ____

Employee Comments: _____

Action to be taken for correcting behavior: _____

Consequence of not correcting behavior: _____

I have read and understand this warning.

Signature of Employee _____ Date ____ / ____ / ____

Signature of Supervisor _____ Date ____ / ____ / ____

Date ____ / ____ / ____
Witness (Employee has read the warning and refuses to sign)

The American Institute of Physics is an Equal Opportunity Employer

D01214

**Background
and Policy:**

Federal funds may not be used in any activities that either directly or indirectly promote partisan political activities. This prohibition includes, but is not limited to, "letters to the editor," sponsorship of political or issue-oriented speeches or gatherings, and letter writing campaigns or other lobbying efforts.

Authority:

Approved: Management Committee

Date: 5/97

D01215

**Background
and Policy:**

All employees should have the right to discuss problems concerning working conditions, the interpretation or application of policies and procedures, disciplinary action or any other matters related to their employment. Problem or conflict resolution should be accomplished in the progressive manner (through appropriate levels in the organization) described in the Procedure section below. Matters that can be resolved at the level of immediate supervisor need not be referred to higher levels.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Below are steps through which conflict resolution should be pursued. Resolution at the lowest possible level is desirable: situations that can be resolved in a conversation between employee and immediate supervisor need not be referred to a higher level. When a problem cannot be satisfactorily resolved despite the sincere efforts of both parties, or if there is an impediment to successful resolution of the problem at that level, the employee may proceed to the next step.

At every step in the process, the employee should be seen as soon as is mutually convenient and given an opportunity to explain the problem as he or she sees it. The supervisor, manager or officer should research or investigate the employee's concern(s) and respond as soon as is reasonably possible. Depending on the severity and complexity of the problem, this could vary from one to several days, but should not be longer than a week. This response should include a recommendation or suggestion for remedying the perceived problem and a plan for follow-up.

- Step 1:* Discussion with immediate supervisor - An employee's complaint, problem or misunderstanding should be taken to the immediate supervisor as soon as possible. If no acceptable solution can be arrived at, the employee may proceed to the second step.
- Step 2:* Discussion with division manager - The employee describes the problem (and steps taken to resolve it) to the division manager (or whoever is the immediate supervisor's manager). Such meeting is conducted as soon as possible after the employee has brought his or her concerns to the attention of this manager. If no acceptable solution can be arrived at, the employee may proceed to the third step.
- Step 3:* Discussion with director or officer -- The manager and employee may (either separately or jointly) seek the assistance of the director or officer in charge of the organizational unit in which the employee works. If no acceptable solution can be arrived at, the employee may proceed to the fourth step.
- Step 4:* Discussion with Director of Human Resources -- After hearing the employee's and manager's descriptions of the problem, and previous attempts to resolve it, the Director of Human Resources will conduct an independent investigation and talk to all interested parties. An appropriate, fair and legally correct remedy (or remedies) will be suggested.

D01216

Background

and Policy: In recognition of the value of its employees, the Institute offers service anniversary awards for continuous employment of:

5, 10, 15, 20, 25, 30, 35 and 40 years

Authority:

Approved: Management Committee

Date: 5/97

Procedure: The procedure varies with length of service:

1. Employees with 5 and 10 years of service will have a choice of gifts (selected from a service awards catalog) presented at the annual holiday party (December).
2. Employees with 15-years of service are presented with gifts at the Fifteen-Year Club Luncheon.
3. Employees with 20 and 25 years of service will have a choice of gifts (selected from a service award catalog) and a departmental celebration.
4. At 30 years, an employee receives a cash gift of \$500 (grossed up) and a departmental celebration.
5. At 35 years, an employee has a choice of a gold watch or a cash gift of \$1,000 (grossed up) and a departmental celebration.
6. At 40 years, an employee receives a cash gift of \$1,000 (grossed up) and a departmental celebration.
7. Five extra days of vacation are awarded (on a one-time basis) upon completion of 15 years of service and 10 extra days of vacation upon completion of 20, 25 and 30 years of service. The following guidelines govern use of these days:

Awarded at 15 years of service	Five days to be used prior to the 20 th year
Awarded at 20 years of service	Ten days to be used prior to the 25 th year
Awarded at 25 years of service	Ten days to be used prior to the 30 th year
Awarded at 30 years of service	Ten days to be used prior to the 35 th year
Awarded at 35 years of service	Ten days to be used prior to the 40 th year
Awarded at 40 years of service	Ten days to be used prior to retirement
8. Upon retirement, employees with 10-19 years of service receive \$250 and those with 20 or more years receive \$500.

D01217

Background

and Policy:

A Manager may, with approval from his/her Director or Officer, award a monetary "Pat on the Back" (\$100 cash) to an employee deemed to have made a significant extra effort or contribution to the department or the Institute.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. The Manager presents a written recommendation to his or her Director/Officer, including a brief citation phrase and explaining the reason for the proposed award.
2. Once approved and signed by the Director/Officer, the written recommendation is forwarded to the Director of Human Resources.
3. The Human Resources Department takes the memo to the Controller, and upon receipt of \$100 in cash, delivers the cash award to the recommending manager.
4. The employee receiving the award is asked to sign the following statement:

"I _____ hereby acknowledge receipt of a cash 'pat on the back' award in the amount of \$100. I understand that my year-end pay will reflect a 'gross up' of this award."
5. Copies of the manager's recommendation and the signed statement are kept in the employee's file.
6. Awards and citations may be publicized in AIP publications or postings; the approving officer may request that this publicity be withheld.

D01218

**Background
and Policy:**

AIP believes that all employees should be afforded the opportunity to increase their knowledge, skill and, when qualified, their responsibilities and earnings.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Staff are encouraged, and provided the opportunity, to improve their abilities in order to become qualified for more responsible positions. Toward this end, the Institute assists these efforts, in part, through the Tuition Assistance Plan (see policy #324.03).
2. Because of the training required for most positions at AIP, staff are not permitted to apply for a vacant position in another division at AIP until they have completed one year in their current job.
3. Advancement is based on consistently good performance, reliability, necessary knowledge and skills, and demonstrated ability to accept increased responsibilities.
4. Every attempt will be made to promote employees (see Job Posting, policy #324.02), and consideration will be given to performance reviews, background and educational qualifications, length of service and supervisor recommendations.

D01219

**Background
and Policy:**

AIP recognizes that its staff members possess valuable knowledge and skills and, therefore, encourages staff members to apply for open positions at the Institute. To offer opportunities for internal career growth and advancement, notifications of vacant positions will be posted on bulletin boards at all locations, and, whenever possible, positions will be filled with internal candidates. Positions will be posted for five consecutive business days before being offered to an outside candidate.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Human Resources, having received notification of necessary approval to fill a vacant position, will post a notice of the open position, providing the following information:

Position Title and Status (exempt or non-exempt)
Location and Supervisor
Basic job functions and specific qualifications
Method of applying for position and date of posting
2. Individuals interested in applying should contact Human Resources; while their initial inquiry will be confidential, employees must notify their current supervisor prior to being interviewed for another position in the Institute.
3. Every consideration will be given to internal candidates for vacant positions; qualified candidates will be interviewed and all applicants will receive feedback on their status.

D01220

Background

and Policy: The Institute encourages employees to extend their knowledge by enrolling in educational programs. To this end, tuition assistance is available to (1) regular full- and part-time employees after six continuous months of employment at AIP and (2) cottage and hourly employees after a year of continuous employment at AIP.

Tuition assistance will be approved only for courses that (a) are job-related, (b) lead toward a degree at an accredited school, or (c) fulfill matriculation requirements.

The following definitions and conditions apply:

Regular Full- and Part-time Employees:

A maximum of \$3,500 is allowed to all regular full- and part-time employees for tuition and registration fees, which includes \$500 towards course-related books.

Job Related Courses:

Employees wishing to seek reimbursement for all job-related courses must first consult with their Division Manager before enrolling in the course.

- a. Assistance will be 100%.
- b. Employee must have six months of continuous employment.
- c. Courses MUST be job related.
- d. Reimbursement MUST have Management and HR approval.
- e. Employee MUST complete course with a grade "B" or better.

Tuition assistance must be repaid if employee:

1. Does not satisfactorily complete the course within 3 months of its ending date,
2. Leaves AIP before completing the course, or
3. Leaves AIP within a year a year of completing the course.

If the employee does not receive a grade of "B" or better, they must reimburse AIP 25% of the assistance.

All Other Courses:

- a. Assistance will be 75%.
- b. Employees must have six months of continuous employment.
- c. Courses MUST lead to a degree or fulfill matriculation requirements.
- d. Employee MUST complete course with a grade of "C" or better.

Tuition assistance must be repaid if employee:

1. Does not satisfactorily complete the course within 3 months of its ending date,
2. Does not receive a grade of "C" or better, or
3. Leaves AIP before completing the course.

D01221

Hourly and Cottage Industry Employees:

The maximum amount is \$500 per academic year. This includes courses, registration fees and course-related books.

- a. Assistance will be 50%.
- b. Employee must be continuously and consistently employed for one year.
- c. Courses must be job-related, lead to a degree or fulfill matriculation requirements.
- d. Employee must complete course with a grade of "C" or better.

Tuition assistance must be repaid if employee:

1. Does not satisfactorily complete the course within 3 months of its ending date,
2. Does not receive a grade of "C" or better, or
3. Leaves AIP before completing the course.

Authority:

Approved: Management Committee

Date: 8/98

Attachment: Tuition Assistance Approval Form
Tuition Assistance Waiver Agreement
Book List (to accompany tuition reimbursement approval form & waiver)

D01222

TUITION ASSISTANCE APPROVAL FORM
(separate application must be completed for each course)

Name: _____ **Division:** _____
(Please Print)

Hire Date: _____ **Ext.:** _____

_____ Regular Full-Time or Part-Time Employee (25 hours per week or more)
_____ Hourly or Cottage Industry

Course: _____

Check appropriate statements:

_____ This course is job related

_____ This course is part of a degree program

_____ UNDERGRADUATE COURSE (not subject to payroll deductions)

_____ GRADUATE COURSE (subject to payroll deductions if not job related)

School: _____

Term: _____ (Starts) _____ (Ends)

Cost: \$ _____ Tuition & Registration Fees

\$ _____ Books

Terms and limits of reimbursement:

Maximum \$3,500 per academic year for Regular Full-time and Part-time employees for courses & registration, which includes up to \$500 for course-related books. Provided all terms of the policy are met, reimbursement will be at 100% for courses that are related to the employee's present job (with Management and Human Resources approval), and 75% for all other eligible courses.

Maximum \$500 per academic year for Hourly or Cottage Industry Employees for courses, registration and course-related books. Provided all terms of the policy are met, reimbursement will be at 50%.

ALL COURSES must be approved prior to registration. You must also complete and sign a Waiver Agreement and Book Form.

Signed: _____
Employee Date

Approved: _____
Manager Date

To be completed by H.R.Department:

Approved:	Date:	Amount reimbursed: \$
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D01223

TUITION ASSISTANCE WAIVER AGREEMENT

This Agreement relates to a Tuition Assistance advance of \$ _____ for the academic period _____ (term and year).

I understand the Institute's Tuition Assistance Policy and agree to its terms.

I agree to forward to Human Resources, after enrollment, a payment receipt for courses, registration and books (with a book list for each course); I will furnish a grade report upon completion of the course.

I authorize a representative of the Institute to contact the school to verify my enrollment status, if deemed necessary.

I agree to repay part or all of my Tuition Assistance advance, as described in the Policy, under any of the following circumstances:

- a) If I do not satisfactorily complete the course within three months of its ending date;
- b) If I fail to achieve a grade of
 - *"B" or better for courses reimbursed at 100% (reduced to 75%)
 - *"C" or better for non-job related courses reimbursed at 75%
 - *For hourly and cottage employees, "C" or better for all courses (no reimbursement)
- c) If I leave the Institute before completing the course;
- d) If I leave the Institute less than one year after completing a course reimbursed at 100%.

If I am required to repay tuition advanced to me by the Institute for any of the preceding reasons, I understand no additional advances will be issued to me until the full amount owed to the Institute is repaid.

Upon termination, I authorize the Institute to deduct and withhold from my final pay any remainder of my indebtedness.

I understand that all applicable taxes due on tuition assistance will be automatically withheld from my tuition reimbursement check.

Signature: _____
Name

_____ Date

Name (please print)

Division

Ext.

D01224

Background

and Policy: In order to centralize control over the scope and cost of staff training, the following guidelines have been developed for staff training at all levels in all functional areas of the Institute:

1. The Human Resources Department receives brochures and catalogues of training workshops, seminars, conferences, etc. Occasionally, specific training courses will be sponsored by the Institute and offered to staff. In other cases, this information is made available to managers and supervisors for their own staff training needs. Upon supervisory recommendation and with prior approval, training is provided to those who demonstrate a need for specific skills and knowledge.
2. Any department offering specific training for its staff must have prior approval from the Office of the Director of Human Resources; approval is necessary for training content as well as the budgetary expenditures.
3. In some cases, Human Resources will underwrite the cost of tuition and fees for attendance at external programs (see Procedures, below); individual departments may provide funding for travel, room and board, etc.
4. Any employee attending a training course outside of the workplace will be eligible for travel expense reimbursement; in addition, if the course occurs during non-business hours, the time spent in attending the class will be treated as time worked for nonexempt employees.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Any manager or supervisor seeking information on possible training programs for staff should contact Human Resources.

Paperwork (i.e., purchase order or check requisition) is initiated by individual departments; if HR reimbursement is sought, paperwork must be reviewed and signed by the Director of Human Resources.

Background

and Policy: The Institute, in recognition of the importance of the continuing professional growth and development of its staff, may authorize reimbursement for dues and subscriptions related to an employee's profession or career, e.g., membership dues or subscription to a journal for a professional organization.

Authority:

Approved: Management Committee

Date: 5/97

Procedure: Funds should be budgeted for dues and subscriptions in each division, based on anticipated need. Requests for payment should be submitted as a Purchase Requisition or Invoice signed by the Division Manager to Accounting.

D01226

Background

and Policy: The Institute monitors all hazardous weather conditions; if a decision is made to close an office or facility (or to open late) because of weather or road conditions, management will communicate information concerning revised business hours.

Authority:

Approved: Management Committee Date: 5/97
Revised: 12/99

Procedure: In AIP's Melville location, any closings or delayed openings will be announced in a recorded message on the AIP weather line, (516) 576-2499.

In Maryland, *on the first day of inclement weather*, the ACP building closing policy will be based on that for the University of Maryland, College Park (UMCP). Thus, ACP will close (or have a delayed opening) whenever inclement weather causes the UMCP to do so.

On each successive day of inclement weather, the decision will be made by the ACP Board. On those days, any closings or delayed openings will be announced in a recorded message on the ACP weather line (301/209-3636).

Pay for a weather-related closing is governed by the following provisions:

1. An employee who would normally have worked on a day when the office is closed for the entire day due to inclement weather will receive regular pay for that day. An employee who has planned a day off when the office is closed for the entire day due to inclement weather will be charged accordingly (i.e., vacation or personal day).
2. An employee who is at work by the designated time on a day when the office opens late will receive credit for a regular day's work; similarly, an employee at work on a day when the office closes early will receive a regular day's pay.
3. In the event an employee feels unable to report to work due to extreme weather/road conditions (when the Institute is open), a "liberal leave" policy is in effect. This means that an employee may use either a personal or vacation day, if available. Otherwise, in extreme circumstances, the employee may take the day off without pay.
4. Some employees (e.g., in Facility Services, Information Technology or Technical Support functions) may be designated as "critical" to operations; this designation is made at the discretion of a Manager. Such employees may be called upon to work even though the office is not officially opened.
5. An employee who (either voluntarily or upon request) is at work on a day when the office is closed or opens late for weather-related reasons will receive no special compensation beyond regular pay for that day.
6. In the case of an early closing, a disabled employee may leave 15 minutes before the announced closing time.

D01227

Background

and Policy: The Institute maintains bulletin boards in suitable places for the posting of official notices relating to AIP business, including job postings, sponsored activities and federal /state regulations. Items should not be posted or removed from AIP bulletin boards except by Human Resources staff.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Employees wishing to post notices on premises should bring them to the Human Resources Division. If authorized, the item will be posted by a member of that division.

D01228

Background

and Policy: In all Institute locations, fire alarm systems will activate automatically in the event of excessive heat or smoke or will respond to the manual operation of any of the fire boxes. Excessive heat will also activate the sprinkler system.

Every location has specific procedures, designated fire wardens, and regular fire drills. All staff are required to obey the instructions and directions of appointed fire wardens; evacuation plans are in place for all locations.

Authority:

Approved: Management Committee Date: 5/97

Procedure:

1. Any employee who sees smoke or fire should manually activate the fire alarm; any unusual odor without smoke should be reported immediately to Facility Services or the Human Resources office.
2. A fire alarm sounding during working hours requires that all personnel leave by the fire exit nearest their location and await instructions from the Fire Warden outside the building. Should an alarm sound before or after regular working hours, employees are instructed to evacuate the building immediately.
3. In buildings with elevators, elevators should not be used at any time during a fire emergency or fire alarm situation.
4. Employees should return to the building only after the all clear signal is given and they are so advised by fire wardens.

D01229

Background

and Policy: In order to protect individuals, employees and visitors of the American Institute of Physics when illness and/or accidents occur on the job, AIP has provided for a network of individuals trained in basic cardiac life support (CPR) and other basic first aid skills.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. For immediate help contact a CPR and First Aid trained employee (as listed in the front of the AIP Telephone Directory).
2. If needed, call 911 or ask someone to place the call.
3. Notify Facility Services (2255 in Woodbury, 3101 in College Park) so that the arrival of emergency vehicles will be anticipated (additional assistance may be necessary). Facility Services will see that both the front desk receptionist and the Human Resources department are notified.
4. All incidents of illness or injury must be reported to Human Resources; an employee's immediate supervisor should also be notified. Human Resources must be informed of the exact location of the victim, a brief description of the situation and the type of assistance needed in the case of emergency situations.
5. Human Resources keeps emergency information on file for each employee, including the name(s) of the person(s) to contact in case of emergency.
6. Any individual who wishes to seek outside medical assistance and/or who wishes to go home will receive assistance to do so.
7. By law, AIP must file written reports of accidents on the job.

D01230

Background

and Policy: The Institute maintains a salary administration program consisting of the classification and evaluation of jobs; a graded salary structure; merit salary increases granted in conjunction with performance appraisals and the Institute's approved salary budget. All aspects of this program are conducted and coordinated by Human Resources.

Authority:

Approved: Management Committee

Date: 5/97

D01231

Background

and Policy: Employees are expected to work overtime when requested by their supervisor. The Fair Labor Standards Act defines eligibility for, and exemption from, overtime pay.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

The following guidelines apply:

1. Overtime work by non-exempt employees will be paid at the regular rate for all hours up to 40 per week and at one and one-half times the regular rate of pay for all hours worked in excess of 40 per week.
2. All overtime must be approved in advance by a supervisor. Overtime hours are reported on a Weekly Payroll Information Summary, approved by a supervisor and submitted to payroll.
3. Refer to appropriate section in AIP's Employee Handbook for discussion of overtime eligibility and exemption.
4. In general, exempt employees are not paid for overtime hours. Such workers are considered to be salaried and, as such, are not paid according to number of hours worked. See Compensatory Time policy #331.02.

Reference: See Pay Period Payroll Information Summary #310.04

Background

and Policy: The Institute does not grant compensatory time off to non-exempt employees under any conditions; such staff are paid for time worked in excess of normal work hours. Exempt staff may earn compensatory time for work performed at AIP or at AIP events on weekends or AIP holidays, provided that such work has been approved by their supervisor or manager. Compensatory time is not earned for extra work that exempt employees do after regular hours at the office or in their own homes.

Compensatory time is earned for approved travel and attendance at a meeting on a weekend; compensatory time is earned for travel on a Saturday, Sunday or AIP holiday to attend a meeting held on a weekday only if great distance or the time of the meeting so necessitates.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Compensatory time (when earned and used) is recorded in whole or half-day increments on attendance reports; earned compensatory time must be used within 90 days. At the end of each month, any compensatory time earned earlier than 90 days previously will be deleted from the attendance record.
2. An employee must notify his or her supervisor/manager and use compensatory time only with approval.
3. Accrued compensatory time is not paid at termination.

D01233

Background

and Policy: An exempt employee who works past 7:00 p.m. on a regular workday, or more than 5 hours on a weekend or holiday, is entitled to a reimbursement of \$10.00 to be applied toward purchase of a meal.

Authority:

Approved: Management Committee

Date: 9/98

Procedure:

A petty cash voucher approved by the Division Manager will be processed and paid in Office Services (Melville) or in Accounting (College Park).

Background

and Policy: Employees whose working hours begin between 12:00 noon and 2:15 p.m., and continue past 7:00 p.m., will receive a 5% pay differential. Those whose working hours begin after 2:30 p.m. will receive a 10% pay differential.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

An employee's Manager or Supervisor must notify Human Resources at the time of hiring (or transferring) an employee into a position with qualifying hours.

**Payroll Schedules and Practices
for Regular Employees**

#324.01

Page # 1 of 1

Background

and Policy: All employees are paid bi-weekly on alternate Thursdays for work performed during the two-week period ending the Friday after payday. When a payday falls on a holiday observed by the Institute, earnings will be distributed on the preceding work day. Pay includes all earnings including any overtime submitted on or before payroll deadline. Year-to-date earnings are itemized on the check stub or pay envelope. Pay stubs for absent employees will be held in Human Resources.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Forms required for Direct Deposit are available in Human Resources.
2. Any change in payroll distribution (e.g., change in bank) requires approximately 30 days to go into effect.

D01236

**Payroll Schedules and Practices
for Temporary and Cottage Industry Employees**

#324.02

Page # 1 of 1

Background

and Policy: Temporary and cottage industry employees are paid bi-weekly based on actual hours worked and shown on the Pay Period Payroll Information Summary. Because of the necessity of documenting hours worked, there will always be a two-week lag between time worked and pay received.

Authority:

Approved: Management Committee

Date: 5/97

Procedure: Hours worked must be accurately and promptly reported on a Pay Period Payroll Information Summary (a copy follows policy #331.01). Unless this is received on or before payroll deadlines, salary payments for temporary and cottage industry employees will not be available on schedule.

It is important that cottage industry employees keep the Human Resources division (either directly or through a supervisor) informed of any change of address, since checks are mailed to the address in their personnel file.

D01237

Background

and Policy: Because wages are paid by Direct Deposit, special advance vacation checks are not issued except when an employee will be traveling out of the country. In such instances, provided written notification is given to Payroll at least one month in advance, pay for the vacation period will be distributed with the preceding payroll.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

A written notification, with supervisor's approval, must be given to Payroll.

D01238

Background

and Policy: It is the policy of the Institute to provide severance pay for terminating employees under specific circumstances. Upon completion of a separation agreement within the designated time period: (1) two weeks pay in lieu of notice in cases of immediate termination; (2) one weeks pay per year of service (minimum of two weeks and a maximum of 26 weeks). All severance pay determinations will be made by the Director, Human Resources.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Division Manager must consult with the Director, Human Resources prior to communicating a termination. It is necessary to discuss the circumstances of the termination, length of service and other considerations. Human Resources will coordinate with the division manager, the employee and payroll to insure proper payment is made.

Reference: Re-employment policy, #309.05

D01239

**Background
and Policy:**

The Information Resources Management (IRM) Committee collects requests for purchases and transfers of capital equipment and reviews them via meetings and phone polls, which are conducted as needed. The Committee is often called upon to establish standards and policies for the Institute relating to computer use and equipment. The Committee meets at least quarterly, with two or more meetings held during the AIP budgeting process (May/June/July); phone polls may substitute for regular Committee meetings. A summary of the minutes of each meeting and phone poll is prepared for the Management Committee.

Authority:

Approved: IRM Committee
 Management Committee

Date: 2/95
 5/97

Procedure:

1. Requests to purchase unbudgeted computer-related equipment or fax machines should be submitted to the IRM Committee with a cover memo justifying the purchase and a Capital Equipment Request Form (CERF) attached.
2. Requests to purchase budgeted computer-related equipment or fax machines that were categorized as REVIEW by the IRM Committee during the budget process should be submitted to the IRM Committee with a cover memo justifying the purchase.
3. All requests for computer-related capital budget items during the budget process (May - July) are reviewed by the IRM Committee. It is important to forward a copy of such computer-related requests, along with the associated CERFs, to the IRM Committee early in the budget process to ensure that each request is reviewed and approved by the IRM Committee prior to review by the Management Committee.
4. Requests for AIP PC Subsidies should be forwarded to the IRM Committee for review and approval (see policy #431).
5. Requests for AIP Owned Equipment at Home should be forwarded to the IRM Committee for review and approval (see policy #433).
6. Requests to purchase equipment or software outside of AIP's Standards or to change AIP Standards for hardware and software should be directed to the IRM Committee for review and approval (see policies #402 and 417).
7. Requests for new computer-related policies or changes to such policies should be directed to the IRM Committee. These policies include, but are not limited to training and user support guidelines.
8. Requests to dispose of "outdated" computer equipment in a particular manner should be directed to the IRM Committee for review and approval (see policies #405 and 406).

D01241

**Background
and Policy:**

The IRM Committee is charged with reviewing all requests for computer and computer-related capital purchases. The Big Systems Task Force, a specialized subcommittee of the IRM, reviews all computer-related requests that are not PCs or fax machines. During the annual capital budget process, the IRM Committee reviews all Capital Equipment Request Forms (CERFs) and prepares a recommendation to the Management Committee. Some capital items, although included in the capital budget, require additional review by the IRM Committee prior to purchasing. Any request for unbudgeted technology purchase must be reviewed by the IRM Committee prior to submission for Management Committee approval.

Authority:

Approved: IRM Committee
 Management Committee

Date: 5/96
 5/97

Procedure:

A Capital Equipment Request Form (CERF), which includes a written justification for the purchase, must be completed and submitted to the IRM Committee Chair for all computer and computer-related capital purchases.

D01242

**Background
and Policy:**

The IRM Committee is charged with developing and maintaining a Standards List of hardware and software for which the Information Technology and Products branch will provide support. All hardware and software should be selected from this list, unless the job function warrants special consideration. The IRM Committee will review and recommend appropriate action for requests for hardware and software not on the Standards List.

Authority:

Approved: IRM Committee
 Management Committee

Date: 5/96
 5/97

Procedure:

Requests to purchase equipment or software outside of AIP's Standards or to change AIP Standards for hardware and software should be directed to the IRM Committee for review and approval (see policies #400, 411 and 417).

D01243

**Background
and Policy:**

All requests for computing equipment must be discussed with the appropriate Information Technology division(s) (i.e., Publishing Systems, Business Systems and Operations, ACP Technology Group) to determine overall fit and compatibility with existing infrastructure and information technology strategy. Requests for PC-related equipment and fax machines are reviewed by the IRM Committee while the Big Systems Task Force, a specialized subcommittee of the IRM, reviews all computer-related requests that are not PCs or fax machines.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

The appropriate Information Technology division (i.e., Publishing Systems, Business Systems and Operations, or ACP Technology) will generate a purchase requisition, which will be returned to the requesting division for managerial approval and further processing. Additional approvals are required prior to authorization for acquisition (i.e., IRM Committee, Big Systems Task Force, Officer, Management Committee, etc.).

D01244

**Background
and Policy:**

AIP provides regular maintenance and repair of personal computers and peripheral equipment as required. Requests for maintenance contracts for equipment should be reviewed by the appropriate Information Technology and Products manager (i.e., Manager of Publishing Systems for publishing equipment and Manager of Business Systems and Operations for business equipment).

Authority:

Approved: IRM Committee
 Management Committee

Date: 10/95
 5/97

Procedure:

1. Every effort should be made to determine the cause of the malfunction and an attempt made to make necessary repairs at the workstation.
2. Contact the User Support Group in New York (x2349) or the ACP Technology Group in Maryland (x3120) to coordinate a system check. Technical support staff at the location may conduct an on-site inspection.
3. Should a major repair be required, the technical support group will recommend the appropriate course of action to the manager.

**Background
and Policy:**

The IRM Committee will decide when PCs are considered “outdated”. This outdated equipment will then be disposed of in one of the following ways (list is in order of preference, beginning with the most preferred option):

1. Recycled to other users or held for spares. User Support in New York and the ACP Technology Group in Maryland keep a certain number of older machines on hand in case a machine breaks or one is required for a Cottage worker.
2. Given to employees to use at home. Some employees are required, as part of their job description, to perform certain duties from home. AIP is required to provide the necessary hardware and software to enable the employee to complete these tasks. In certain cases older machines can be utilized to fulfill these requirements.
3. Sold at auction. Older PCs can be sold at auction in the same manner that AIP sells office furniture. The PCs will be sold “as-is” and with the understanding that no support will be provided to the new owner.
4. Donated to a charitable organization.

Authority:

Approved: IRM Committee
Management Committee

Date: 6/95
5/97

Procedure:

Submit memo to IRM Committee that identifies the equipment at issue and recommends a specific type of disposal. Please be sure to fully explain reasons for recommendation in memo.

D01246

Disposal of Non-PC Related Equipment

#406

Page # 1 of 1

Background and Policy:

The IRM Subcommittee responsible for reviewing computing equipment other than PCs will review all non-PC equipment that is slated for disposal.

Authority:

Approved: IRM Committee
 Management Committee

Date: 6/95
 5/97

Procedure:

Submit memo to the Big Systems Task Force that identifies the equipment at issue and recommends a specific type of disposal. Please be sure to fully explain reasons for recommendation in memo.

D01247

**Background
and Policy:**

In order to fulfill legal copyright requirements, and to prevent the spread of computer virus programs, the following guidelines apply:

1. No software may be brought onto AIP premises, on physical media or by electronic means, except with the approval of the Information Resources Management (IRM) Committee. This includes:
 - a. purchased programs;
 - b. shareware; and
 - c. software that has been installed on any external computer.
2. With proper justification, the IRM Committee may approve the purchase of software not included on its Standards List.
3. Except where AIP has a site license or where copyright is otherwise waived, a separate copy of a program shall be purchased for each computer on which it is to be used.
4. Loading or installing of software will be performed only by the User Support Group in New York and the ACP Technology Group in Maryland.
5. All divisions are responsible for completing and mailing the warranty and registration materials for all software purchases, and for retaining copies of same.

Authority:

Approved: IRM Committee
 Management Committee

Date: 10/95
 5/97

Procedure:

If non-standard software is required to perform job functions, employee's manager must submit memo justifying the request to purchase non-standard software to the IRM Committee for review and approval prior to purchase.

D01248

**Background
and Policy:**

Personal computers and other office automation systems in use at the Institute shall operate with licensed and properly authorized system and application software. Each computer workstation shall comply with the copyright procedures and/or restrictions outlined by each individual software vendor.

Authority:

Approved: IRM Committee
 Management Committee

Date: 10/95
 5/97

Procedure:

1. Employees are required to sign the "Use of Microcomputer Software Form" at the time of hire.
2. Anyone suspecting violation of this policy or form should contact the Director of Human Resources and/or the Director of Information Technology and Products.

Attachment: AIP Policy Regarding the Use of Microcomputer Software

D01249

**American Institute of Physics (AIP) Policy Regarding the
Use of Microcomputer Software**

1. AIP licenses the use of computer software from a variety of outside companies. AIP does not own this software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it.
2. With regard to use on local area networks or on multiple machines, AIP employees shall use the software only in accordance with the license agreement.
3. AIP employees learning of any misuse of software or related documentation within the company shall notify the Director of Information Technology and Products or the Director of Human Resources.
4. According to U.S. Copyright Law, illegal reproduction of software can be subject to civil damages of as much as \$50,000, as well as criminal penalties including fines and/or imprisonment. AIP employees who make, acquire, or use unauthorized copies of computer software shall be disciplined as appropriate under the circumstances. Such discipline may include termination. AIP does not condone the illegal duplication of software.

I am fully aware of the software protection policies of AIP and agree to uphold these policies.

Employee Signature

Date

Employee Name (Print)

D01250

**Background
and Policy:**

AIP will provide in-house training by a vendor for applications that are on the IRM approved Standards List and which are in widespread use within the Institute.

Authority:

Approved: IRM Committee
Management Committee

Date: 5/96
5/97

Procedure:

1. AIP maintains a training facility at its Jericho, New York office. Course schedules are distributed monthly covering applications in widespread use at the Institute. Videotapes and other materials are also available for self-paced study. Classes are available to all AIP employees and resident Society members under the following conditions:
 - All participants must have supervisory approval, and supervisors should ensure time is allocated for class attendance.
 - Any individual who participates in a class must have access to the applications in their work environment, and be required to use the software as part of their job function. Supervisors must determine if classes are warranted, and make sure that the employee uses the software.
 - There is a minimum of three and maximum of five students per class.
 - Notification must be given if a student cannot attend their scheduled class. Students with multiple cancellations will be given a lower priority on future class schedules.
2. Training at the ACP is outsourced but is conducted in-house. Classes are offered periodically as required by demand. Class size is limited to a minimum of 4 and a maximum of 6 students, with costs charged back to the student's departments based on the attending class size. Class registration requires managerial approval.

D01251

**Background
and Policy:**

All software and systems development will be centralized within the Information Technology and Products branch. All requests for development of an information system, including PC-based databases and systems, must be coordinated with the Director of Information Technology and Products to remove redundancy and ensure compatibility. Employees may not purchase or write their own software for use in the organization without authorization from the Director of Information Technology and Products.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Any software or system development requests relating to Publishing should be directed to the Manager of Publishing Systems (x2322), while any software or system development requests not related to Publishing should be directed to the Manager of Business Systems and Operations (x2313).

**Background
and Policy:**

The following guidelines apply for the support of PC hardware and software.

1. Hardware and software support for PC applications sanctioned by the IRM Committee are delivered primarily by the User Support Group in New York and the ACP Technology Group in Maryland. Other groups may support some additional hardware and software (e.g., report writing). All other software must be supported by the group that purchased the software.
2. Fully supported hardware and software purchases will be selected from the list of standard items published by the IRM Committee. There will be a few items for each category, updated regularly by the IRM Committee. Items chosen from the list are installed and supported by the User Support Group in New York and the ACP Technology Group in Maryland.
3. Partially supported hardware and software includes items with specialized functions that cannot be satisfied from the official list of approved hardware and software (such as Datatrax or Apple Macintosh computers). Purchase of these items requires special IRM Committee approval and are supported in a limited way by User Support, the ACP Technology Group, and other Information Technology and Products staff. This support may include report writing or monitoring operations. Some items on the standards list may not be supported with in-house training by a vendor; however, these items are of limited circulation (i.e., Project Scheduler).
4. Limited support is given to items in use at the Institute before the current company standards. These items will not be authorized for purchase and will not be installed by User Support or the ACP Technology Group. Training for these products is the responsibility of the end user.
5. All other software is supported only to the extent deemed appropriate by the Director of Information Technology and Products.

Authority:

Approved: IRM Committee
Management Committee

Date: 10/95
5/97

Procedure:

1. To find out more about AIP Standards for hardware and software or request a change in current standards, contact the IRM Committee. The IRM Committee must approve all changes in AIP standards.
2. To request support, contact either the User Support Group in New York (x2349) or the ACP Technology Group in Maryland (x3120).
3. Refer to policy #432 for support of AIP equipment in employees' homes.

D01253

**Background
and Policy:**

From time to time, AIP may contract with outside consultants and vendors to perform programming or other information technology-related functions. Temporary or contract employees may be utilized to augment staff for project completion, to assist during periods of extreme workloads or reduced staffing, or to provide required skills and expertise not available through in-house resources. All requests for temporary or contract staff must be approved by the Director of Information Technology & Products and the Director of Human Resources.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. The Division or Branch Manager must first complete and submit the "Employee vs. Independent Contractor Questionnaire" to Human Resources. Human Resources will determine the proper worker classification.
2. The "Independent Contractor/Consultant Agreement" form must then be completed by the Division or Branch Manager and the Independent Contractor/Consultant. Signed copies of this agreement must be sent to the Accounting and Personnel Divisions.

Reference: See Policy #303.02 ("Use of Independent Contractors")

**Background
and Policy:**

Services requested by departments or divisions that are not part of the normal operational support provided by Information Technology and Products will be billed via Job Orders. Hourly rates are published each year for various categories of services and will be used to determine the appropriate billing amount.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Questions regarding the rates for work by the Information Technology and Products Branch should be directed to the Director of Information Technology and Products or the division manager of the division which will perform the work.
2. Requests for estimates of the total expense involved for a particular project should be directed to the division manager of the division which will perform the work.

D01255

**Background
and Policy:**

This Acceptable Use Policy governs the use of computers, networks, voice mail and electronic mail systems at the American Institute of Physics. Computer facilities and infrastructure are for AIP business use. Communications transmitted through this system may not be used to solicit for private, commercial, religious or political causes, for outside organizations or in relation to other matters unrelated to the business of the Institute (except as defined below under "Specific Provisions"). If such systems are used for personal communications as provided for below, the employee has no expectation of privacy since the Institute may access communications from these systems at any time for any reason as stated below. As users of these resources, employees are responsible for reading and understanding this document. This document protects the consumers of computing resources, computing hardware and networks, and the systems and network administrators.

Computer facilities and infrastructure are provided for meeting corporate goals and to provide access to local, national, and international facilities to aid in the achieving of those goals. Those using the facilities and services must respect the intellectual and access rights of others locally, nationally, and internationally. Employees should be aware that any use of the facilities or infrastructure that is in violation of this policy may result in disciplinary action up to and including termination of employment.

Rights and Responsibilities

Computers and networks can provide access to resources inside and outside of AIP, including the ability to communicate with other users worldwide. Such open access is a privilege, much like access to books in the library, and requires that individual users act responsibly. Users must respect the rights of other users, respect the integrity of the systems and related physical resources, and observe all relevant laws, regulations, and contractual obligations. Because electronic information is volatile and easily reproduced, users must exercise care in acknowledging and respecting the work of others through a strict adherence to software licensing agreements and copyright laws.

Users do not own accounts on AIP computers but are issued access to AIP accounts for business purposes.

AIP's Access of Computers and Networks

AIP may access its computers, networks and electronic communications systems and obtain the communications within the systems, without notice to users of the system, when AIP deems it appropriate to do so. The reasons for which AIP may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; protecting the integrity of computer systems or the rights or property of AIP or other users; and ensuring that AIP's operations continue appropriately during an employee's absence. AIP may store electronic communications for a period of time after the communication is created. From time to time, communications stored in the system may be deleted, printed, examined,

D01256

copied or utilized for any purpose. Copies of all user files stored on the network are routinely backed up for disaster recovery purposes.

Other organizations' operating, computing and network facilities that are reachable via the AIP network may have their own policies governing the use of those resources. When accessing remote resources from AIP facilities, users are responsible for obeying both the policies set forth in this documents and the policies of other organizations. In cases where the two policies are in conflict, AIP policies will prevail.

In addition to possible federal and state legal controls, and applicable AIP policies and procedures, misuse of computing, networking, or information resources may result in disciplinary actions up to and including termination of employment.

Conduct That Violates This Policy

This policy applies equally to computers, networks, and electronic communication systems. Computer and network access from AIP or remote access that utilizes, in any way, AIP systems or networks are covered under this policy. Conduct that violates this policy includes, but is not limited to, the activities in the following list:

- Any attempts to modify or remove computer equipment, software or peripherals without proper managerial authorization.
- Use of a computer account that belongs to another person or department, except for diagnostic testing by an authorized member of the Telecommunications & Information Services (MD), or the Business System & Operations, or Publishing Systems departments (NY).
- Use of accounts in such a way as would violate AIP contracts with service providers or customers.
- Giving access to a computer account, through sharing of passwords or otherwise, to any person other than the assigned user or an authorized member of the ACP Information Services, Business Systems & Operations, or Publishing Systems departments. Project or group accounts must be approved by either the ACP Information Services, Business Systems & Operations, or Publishing Systems department prior to use.
- Using the network to gain unauthorized access to any computer system.
- Connecting unauthorized equipment to the network for purposes inconsistent with the business purposes of AIP.
- Unauthorized attempts to circumvent data protection schemes or uncover security loopholes. This includes creating and/or executing programs that are designed to identify security loopholes and/or decrypt intentionally secure data.
- Knowingly or recklessly performing an act that will interfere with the normal operation of computers, terminals, peripherals, or networks.
- Knowingly or recklessly executing or installing on any computer system or network, or giving to another user a program, intended to damage or to place excessive load on a computer system or network. This includes, but is not limited to viruses, Trojan Horses, and worms.
- Deliberately wasting/overloading computing resources.

D01257

- Violating terms of applicable software licensing agreements or copyright laws.
- Using system resources to harass, threaten, defraud, or otherwise harm another. This includes sending unwanted e-mail or talk requests to another user.
- Using system resources in a manner that may reasonably be construed by others as harassing or offensive based on race, color, religious creed, national origin, ancestry, age, past or present history of mental disorder, mental retardation, learning disability, physical disability, sex, sexual orientation, marital status, veteran status, or any other characteristic protected under applicable federal, state or local laws.
- Initiating or propagating electronic chain letters.
- Inappropriate mass mailing or talk requests such as multiple mailings to news groups, mailing lists, or individuals, e.g. *spamming*, *flooding*, *bombing*, or *snerting*.
- Forging communications to make them appear to originate from another person.
- Accessing, or attempting to obtain access to, another's electronic communications without appropriate authorization.
- Monitoring or tampering, or attempting to monitor or tamper, with another user's electronic communications, or reading, copying, changing, or deleting another user's files or software without the express agreement of the other user or proper authorization.
- Transmission of material in violation of any local, state, or federal regulations including but not limited to, copyrighted material, threatening or obscene material (as defined by the most restrictive interpretation of any local, state or federal laws of the communities in which AIP employs workers, and as defined in AIP's written procedural policies), or material protected by trade secret.
- Use to solicit for religious or political causes, outside organizations or other personal matters unrelated to the business of the Company.

System Administrator

“System Administrators” are staff whose responsibilities include system, site or network administration. A system administrator's use of AIP's computing resources are governed by the same guidelines as any other user's computing activity; in addition, a system administrator

- manages and provides access to AIP's systems, networks and servers.
- is responsible for the security of AIP's systems, networks and servers.
- must provide reasonable precautions against data corruption, damage or abuse of AIP's systems, networks and servers.
- must treat information about data used and stored on AIP's systems, networks and servers as confidential.
- oversees backup and restoration of data stored on AIP's systems and servers, in compliance with standard operating procedures and disaster recovery procedures.

A system administrator has authority to modify or remove equipment hardware, software and data. A system administrator may manipulate the systems, networks and servers to perform security, hardware and software evaluations.

Personal Use of Computer Equipment and Facilities

Institute computer equipment and facilities are maintained in order to support the needs of the Institute and to provide services to the public and Member Societies. To the extent that these primary needs are not affected, the Institute also makes its computer equipment available to employees for personal use, subject to the guidelines provided below. Except in unusual circumstances, it is not expected that an employee will make more than casual use of Institute computer equipment for personal purposes (as defined below under "Specific Provisions"). Employees who intend to make more than casual use of Institute computer equipment and facilities are required to obtain approval from their supervisor in advance.

Specific Provisions:

- Institute computer equipment and facilities may be used for personal use only when not needed for Institute-related use. Any Institute-related activity always has priority over personal use.
- Personal use of Institute computer equipment and facilities must be limited to non-commercial purposes. This includes activities which may be broadly characterized as educational, recreational, hobby, and community service. Any community service use which might be interpreted as an ongoing commitment by the Institute requires approval in writing by the employee's divisional manager, the Director of Human Resources, and the Director of Information Technology & Products (New York) or the Director of Communication and Information Services (Maryland).
- All personal use of Institute computer equipment and facilities (including use of the Internet, USENET, or World Wide Web) shall be outside of the employee's normal working hours and must comply with all guidelines in "Conduct that Violates this Policy", above.
- All security regulations and access procedures should be followed at all times.
- The use of Institute computer equipment and facilities by anyone other than Institute employees is prohibited. On occasion, exceptions may be made for authorized individuals such as auditors, temporary employees, consultants, member society officers, etc.
- The use of Institute computer equipment and facilities for commercial or business-related activities is prohibited. This prohibition includes any arrangement that amounts to selling computer processing or services, or the use of the computer equipment and facilities to support any business-related activity, including but not limited to businesses owned by, operated by, or employing an Institute employee or a member of the employee's family.
- Only software provided or approved by the Institute may be used on Institute computer equipment. Authorization to use other software must be obtained from the Director of Information Technology & Products (New York) or the Director of Communication and Information Services (Maryland).
- External communications services such as Internet, USENET, and World Wide Web are available for personal use under the same conditions as Institute computer equipment and facilities. Since electronic mail messages and USENET postings sent from Institute computer facilities will identify the Institute as the source of these messages, employees are required to ensure that personal postings and electronic mail messages are not

D01259

interpreted as official Institute statements, that they do not contain proprietary or confidential information, and that they present a positive public image of the Institute.

- Downloading of information and software from external services (including the Internet and World Wide Web), or its subsequent use on the Institute's computer systems, can only be done in accordance with procedure (see policy #411). Institute computer equipment may be used to access external services only if there are no costs to the Institute for use of the external service or network use. Use of Institute accounts to access an external service is prohibited.
- Use of specific equipment not used by the employee in the course of work assignments (such as workstations in training areas) must be approved by the manager responsible for that equipment.
- Access to non-AIP databases for personal use is permitted as long as such access does not incur a legal or financial liability to AIP; some databases may have charges associated with usage. In the event that a legal concern or financial liability is created by personal use, the employee involved shall be personally responsible and shall immediately take all necessary actions to remedy any such legal concerns or financial liability.
- If these guidelines do not answer all questions regarding a particular planned activity, the employee should discuss the activity with the employee's immediate supervisor or department manager in advance.

Authority:

Approved: Management Committee

Date: 4/30/98

Procedure:

Anyone suspecting misuse of computers, networks or electronic communication systems by an employee should report such occurrences to the employee's immediate supervisor, or to the Director of Information Technology & Products (New York) or the Director of Communication & Information Services (Maryland). Offenses will be referred to appropriate management authority for further action.

The System Administrator is responsible for assisting AIP management in protecting the system and users from abuses of this policy. Pursuant to this duty, and in consultation with his/her supervisor, the System Administrator may communicate with offending parties and may temporarily revoke or modify user privileges.

Temporary suspension decisions are reviewable by the System Administrator's supervisor(s) and ultimately by the Director of Information Technology & Products (New York) or the Director of Communication & Information Services (Maryland).

Failure to comply with this policy may result in disciplinary action up to and including termination of employment. Any offense that violates local, state, or federal laws may result in the immediate revocation of computing privileges and may be referred to appropriate law enforcement authorities.

Reference:

Policies 402, 411, 412 and 416 (re: software use).

D01260

**Background
and Policy:**

In order to protect valuable programs and data from corruption and physical destruction through computer error, fire, etc., each division shall have written procedures for backup of those items they are responsible for, and are required to follow these procedures. Copies of these procedures and a list of critical files should be included in the department's disaster recovery plan and be updated regularly.

Authority:

Approved: IRM Committee
 Management Committee

Date: 10/95
 5/97

Procedure:

Each user is responsible for backing up any information stored on local drives. User Support and ACP Technology Group staff can advise users on proper backup procedures. These procedures shall include, but are not limited to, the following:

1. daily backups of files in current use;
2. monthly backups of all files representing a significant investment; and
3. storage of backups in an off-site location.

D01261

**Background
and Policy:**

AIP has put in place a comprehensive Disaster Recovery Plan for all units within its Woodbury, Jericho, and ACP facilities. Although the Information Technology and Products branch was instrumental in the development of this plan, it is the responsibility of the individual business units to keep their portion of the plan current and tested. Information Technology staff may be consulted for advice and assistance.

The Information Technology and Products branch has instituted certain procedures for disaster recovery purposes. A professional offsite storage facility is maintained to ensure the safety of AIP software (including operating systems and utility programs) and data. Routine backups of AIP systems are conducted, and the backup media are rotated to the offsite facility on a regular basis. Procedure manuals and other vital documents are also stored offsite. In addition, the Disaster Recovery Plan includes procedures for acquiring and restoring systems following a disaster or computer failure.

Authority:

Approved: IRM Committee
 Management Committee

Date: 5/96
 5/97

Procedure:

All questions and requests relating to AIP's Disaster Recovery Plan should be directed to the Co-coordinators for this project, the Director of Product Development and the Executive Assistant to the Vice President of Publishing.

D01262

**Background
and Policy:**

For employees in special categories (see below) who can demonstrate a need to use a computer to carry out work for the Institute during non-business hours (evenings and weekends) and who have been employed by the Institute for at least one year (exceptions can be made based on circumstances), AIP will subsidize half of the cost of a home computer system (including needed software, but excluding printers) up to a maximum after-tax subsidy of \$1,000.

Categories of employees covered by this policy:

- division managers and above;
- employees whose principal task for the Institute is writing; and
- employees engaged in the development and support of computer applications for the Institute.

Merely being in one of these categories does not guarantee that the Institute will subsidize the purchase of a home computer system. The employee must demonstrate the need to use the computer at home for AIP work during non-business hours.

In the event that a person who has received a subsidy for a home computer system leaves the employ of AIP within one year after the subsidy was received, that employee must return the amount of the subsidy to the Institute.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

1. Employee should write a memo to employee's Division Manager, requesting a PC Subsidy and explaining what types of work the employee would carry out for the Institute during non-business hours. The employee should attach the specifications of the computer equipment that the employee plans to purchase and include the associated price information.
2. The PC Subsidy request memo should be signed by the employee's Division and Branch Manager and forwarded to the IRM Committee, along with the specifications and pricing information for review and approval that the equipment is compatible based on AIP standards.
3. Once approved by the IRM Committee, the PC Subsidy request package will be forwarded to the Personnel Committee for review and approval.

D01263

**Background
and Policy:**

AIP is not responsible for configuring or supporting computer equipment purchased by an employee for home use. This includes equipment purchased with funds received from the AIP home computer subsidy program. It is expected that a person who purchases a computer for home use is either technically competent to configure and maintain the machine or has made arrangements with another party to perform these services.

If an employee is required to remotely connect to AIP systems for monitoring purposes, technical staff will make reasonable efforts to establish a connection to the required system. Employees required to perform system monitoring should consult technical staff prior to the purchase of home equipment to ensure that the appropriate hardware and software are acquired and installed.

All AIP employees are subject to our policy on the use of microcomputer software (#412). This policy states that employees who make, acquire, or use unauthorized copies of computer software are subject to disciplinary action which could include termination. This policy prohibits making copies of software purchased by AIP for an employee's home use.

Authority:

Approved: IRM Committee
 Management Committee

Date: 5/96
 5/97

D01264

**Background
and Policy:**

Some categories of employees are required to work from home. For such employees, AIP will purchase and furnish the equipment and any subsequent upgrades necessary for the successful performance of the employee's job function, as outlined below. Such equipment may include, but is not limited to, computers, printers, fax machines, typewriters, and office furnishings.

The categories of employees covered under this policy include:

1. Executive-level managers who find it necessary to maintain an additional office at home.
2. Employees whose job description requires them to work at home (e.g., cottage keyboarders). AIP will purchase all equipment and upgrades as appropriate to perform the job function.
3. Technical staff members who are required to remotely monitor AIP systems (as stated in their job description) should be allowed the option of having equipment purchased for them by AIP (which must be returned upon leaving employment) or to purchase their own equipment and receive the computer subsidy described in the policy on Computers at Home (#431). AIP will pay for upgrades to the equipment as appropriate for the performance of the job function.

Authority:

Approved: IRM Committee
 Management Committee

Date: 2/96
 5/97

Procedure:

1. All requests for PCs and PC-related equipment for home use must be reviewed by the IRM Committee to determine whether the equipment meets AIP hardware and software standards and employee job functions. All requests for upgrades to equipment furnished by AIP for home use must also be reviewed by the IRM Committee to determine requirements.
2. If an employee is provided with equipment for use at home, the expenses related to that equipment will become a part of the employee's departmental budget. This includes funds paid to employees for PC subsidies.
3. Any employee who has AIP-owned equipment at home must sign the "AIP-Owned Hardware for Off-Site Use Agreement." This form will be maintained in the employee's personnel folder, and return of the equipment will be requested at the time of termination of employment with AIP.
4. Excessed "outdated" PCs can be used by employees for work at home provided they are required to do so by job function and receive managerial and IRM Committee approval (see Policy #405). These machines will not be upgraded.

Attachment: AIP-Owned Hardware for Off-Site Use Agreement

D01265

AIP-Owned Hardware for Off-Site Use Agreement

This agreement covers equipment for _____ purchased by American Institute of Physics for use at home/off-site.

It is understood that the equipment is the property of the American Institute of Physics.

It is further understood that upon termination of employment at AIP, all equipment belonging to AIP will be returned immediately.

Employee is responsible for maintenance of equipment. If damaged equipment is brought back to AIP, computer technicians will oversee repair of equipment. If damage is the result of employee neglect or misuse, cost of repair will be the responsibility of the employee.

AIP will cover loss due to fire and/or theft.

Type of Equipment			
Manufacturer			
Serial Number			
AIP Asset (Tag) No.			
IT No.			
Purchase Order No.			
Date Purchased			
Total \$ Amount			

Employee Signature

Home Address

Employee Name (please print)

City

State

Zip

Phone Number

D01266

**Background
and Policy:**

Privileges to access Institute computing systems are tailored to individual needs and responsibilities and are assigned via a unique access ID on restricted systems. Authentication is required at the time of access through the use of a password or passwords. The owner of an access ID is accountable for its use. It is the ID owner's responsibility to protect the integrity of accessible systems and preserve the confidentiality of accessible information as appropriate. Unauthorized electronic access is prohibited. Anyone who has reason to suspect a breach of established security policy or procedure should promptly report it to the Director of Information Technology and Products.

Authority:

Approved:	IRM Committee	Date:	5/96
	Management Committee		5/97

Procedure:

1. Passwords should be managed solely by the owner of the access ID, and should remain confidential. The owner is responsible for all activities on their ID.
2. Passwords should be changed periodically (e.g., at least once every 3 months) and any time there is reason to suspect a password has been compromised.
3. Passwords should be composed so they are not easily guessed. They should be at least 5 characters long and should not be easily associated with the ID owner such as the ID itself, family or pet names, nicknames, phone numbers, etc. Deliberate misspellings of combined words are often a good choice. Previously used passwords should not be reused. Words in (even abridged) dictionaries or other character strings found in available lists should be avoided.
4. Passwords should never be displayed, printed, or otherwise recorded in an unsecured manner.
5. Use of computer programs to decode passwords or access controlled information, and attempts to circumvent or subvert security measures, are expressly prohibited.
6. Selling access to ID or to Institute systems is expressly prohibited.

D01267

**Background
and Policy:**

To assure the smooth operation of AIP's technology resources, some Information Technology staff are required to remotely monitor Institute Systems during non-working hours (evening and weekends). Any user who experiences a problem with one of AIP's computer Systems should immediately notify the appropriate Information Technology personnel.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Expenses incurred by staff in monitoring Institute Systems will be reimbursed provided proper documentation, such as receipts and bills, are submitted. These expenses may include, but are not limited to, purchases of supplies and charges for telephone calls.

D01268

**Background
and Policy:**

AIP may find it necessary to share software and other technology developed with in-house resources to vendors, Member Societies, and other outside organizations. The recipient must agree that such software or technology is the property of AIP and cannot be copied or otherwise used or distributed without prior written permission from AIP. All requests for such disclosure must be approved by the Director of Information Technology and Products.

In the event that such software or technology will be licensed to an outside party, said party will be required to sign a licensing agreement prior to the release of the information.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

A "Confidentiality and Non-Use Agreement" must be executed before such information may be released to an outside party.

Attachment: CONFIDENTIALITY AND NON-USE AGREEMENT

D01269

AMERICAN INSTITUTE OF PHYSICS

CONFIDENTIALITY AND NON-USE AGREEMENT

In connection with discussions between the American Institute of Physics (AIP) and _____ (Recipient), AIP will disclose to the Recipient confidential and proprietary information, including but not limited to, computer software, trade secrets, formulas, compilations, programs, devices, methods, techniques and processes of AIP and/or its affiliates and suppliers. Such information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by, other persons who can obtain economic value from the disclosure of such information. Except as provided below, all information supplied to the Recipient by AIP or observed or otherwise obtained by the Recipient during its contacts with AIP is considered to contain such confidential information. To help AIP preserve the confidential nature of the information, the Recipient agrees to the following conditions:

The Recipient will not disclose any such information to any other person, firm or corporation, or use it for its own benefit except to provide products or services to AIP or as otherwise agreed to in writing by AIP. The Recipient agrees to disclose such information to its own employees on a "need to know" basis. No such obligation shall exist with respect to any information the Recipient can demonstrate:

- a. was already known to the Recipient prior to its contacts with AIP; or
- b. is or becomes publicly known through no wrongful act of the Recipient; or
- c. is received from a third party without similar restrictions and without breach of these conditions; or
- d. is independently developed by the Recipient outside the scope of its contacts with AIP as evidenced by written records; or
- e. is released by written authorization of AIP.

The Recipient further agrees to return any information furnished or otherwise obtained by it promptly upon the written request of AIP (or, if no such request is made, within _____ after _____).

Please be advised that it is AIP policy not to receive any confidential, secret or proprietary information of any party without a prior agreement duly authorized in writing by AIP. Accordingly, the Recipient will not disclose any such information to employees of AIP, and will not be entitled to any compensation for whatever use AIP may make of any verbal or written information the Recipient may give to AIP employees during these discussions.

This agreement is intended to supplement the terms and conditions of any purchase order on the same or similar subject matter. Nevertheless, to the extent that such terms and conditions conflict with this agreement, the terms and conditions set forth herein relating to AIP's proprietary information shall take precedence.

If the Recipient agrees to the foregoing conditions and intends to be legally bound thereby, please have a duly authorized signatory sign below and return an original copy to us. This agreement shall be construed and enforced in accordance with the law of the State of New York.

ACCEPTED AND AGREED:

[Name of Company]

AIP

By: _____

Print Name: _____

Title: _____

Date: _____

Name: _____

Title: _____

Date: _____

D01270

**Background
and Policy:**

AIP uses information technology and other confidential information to conduct its business. AIP's ability to generate revenue or recover costs of development of its services depends on our employees and consultants' preservation of our confidential information. AIP confidential information is any information which is not public and which relates to the conduct of AIP's business. On occasion, AIP receives confidential information of third parties under a duty not to disclose such information. Accordingly, AIP employees and consultants may not disclose such information without proper authorization.

It is AIP policy not to receive confidential information except pursuant to a non-disclosure agreement signed by a duly authorized AIP signatory. If a third party wishes to provide AIP with such information, then it must disclose the nature and scope of such information in a non-confidential manner so that AIP management may determine the desirability of a non-disclosure agreement.

Each employee and consultant of AIP is required to maintain the confidentiality of, and not to use except for AIP purposes, all confidential or proprietary information of AIP and third parties who provide same to AIP under a non-disclosure agreement. This obligation survives the termination or expiration of employment and any consulting agreement.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Employees and contractors will be required to sign the "Employee Confidential Information and Intellectual Property Agreement" prior to beginning work at AIP.

Attachment: Employee Confidential Information and Intellectual Property Agreement

D01271

**AMERICAN INSTITUTE OF PHYSICS
EMPLOYEE CONFIDENTIAL INFORMATION
AND INTELLECTUAL PROPERTY AGREEMENT**

In consideration of my employment by American Institute of Physics ("AIP"), or by their successors in business and in consideration of the payment of salary and wages during the continuance of such employment, I hereby agree:

1. Confidential or Proprietary Information. At all times during or subsequent to my employment, I will not directly or indirectly disclose to any unauthorized person (or use for my own benefit) without prior written permission of AIP, any confidential information to which I have access during and by virtue of my employment respecting any of AIP's activities or the activities of its customers or members. Such information shall be deemed to include, without limitation, inventions, concepts, improvements, discoveries, technical information, all software including programs, formulae, algorithms, flow charts, data, concepts, designs, methods, trade secrets, customers, contracts, or bids, or any other information clearly marked as "confidential" (collectively, "Confidential or Proprietary Information").
2. Third-Party Information. I am aware that AIP is the licensee of certain confidential third-party information, including but not limited to software. I undertake to treat such information with the same degree of confidentiality as AIP Confidential or Proprietary Information.
3. Injunction. I recognize that irreparable harm can come to AIP (and to its licensors) if I disclose or am instrumental in the disclosure of any Confidential or Proprietary Information. Accordingly, I hereby grant AIP (and its licensors) the right to enjoin such disclosure in any court of competent jurisdiction, without prejudice to AIP's (and its licensors) other rights and remedies.
4. Disclosure of Inventories. I will disclose promptly and fully in writing to AIP, or its nominee, all inventions, improvements, concepts, or discoveries, whether patentable or unpatentable, and all copyrightable material made or conceived by me (either solely or jointly with others) during the period of my employment in the course of such employment with the use of AIP's time, material, or facilities.
5. Rights Retained. I am not obligated to assign to AIP any Invention I make during or subsequent to my employment by AIP that is not related to any business or activities in which AIP is engaged, unless the same relates to or is based on Confidential or Proprietary Information or arises out of work assigned to me by AIP.
6. Title to Inventions. I agree that all right, title, and interest in and to all Inventions and in and to any patents or copyrights resulting therefrom, shall vest exclusively in AIP. I agree to assign to AIP all rights in any such proprietary information as deemed necessary by AIP. I understand that all records pertaining to this information whether developed by me or by others are and shall remain the property of AIP.
7. Further Assurances. At AIP's expense, I will assist AIP and its nominees during and subsequent to my employment in every way: (a) in obtaining patents for such Inventions in any and all countries, (b) in obtaining copyrights for copyrightable material in any and all countries, (c) in assuring the confidentiality of any trade secrets, and (d) in enforcing in any controversy or legal proceedings any rights or interests relating to such Inventions or to any patents, copyrights or trade secrets resulting therefrom.
8. No Conflict of Interest. I represent that, except as stated on the attachment to this Agreement, I have no presently-effective agreements with, or obligations to, others in conflict with the foregoing.
9. Deliveries upon Termination. Upon leaving the employment of AIP, I will deliver promptly to AIP all written and graphical material, cassettes, disks or diskettes, or other software; all copies of software; all hardware; any copies, abstracts or summaries of any papers or documents and any tools and equipment (other than that owned by me) in my possession or under my control relating to the business, work or investigations of AIP, or to any Inventions, patents, copyrights or trade secrets covered by this Agreement.
10. Duration. I understand that all obligations under this Agreement shall remain in full force and effect from the time of my hiring by AIP and will continue following termination of my employment with AIP.
11. Applicable Law. Any provision of this Agreement held invalid by a court of law shall be considered severable; and all other provisions shall continue in full force and effect. The laws of the state of New York (excluding conflict of laws rules) shall apply.
12. Entire Agreement. This Agreement sets forth the entire agreement and understanding between the parties as to intellectual property and confidentiality and merges all prior oral and written understandings. This Agreement may be amended only by written agreement executed between me and AIP. No delay or omission in the exercise of any remedy available to AIP shall impair or affect the rights of AIP to exercise the same. Any indulgence (which must be in writing and signed by AIP) shall not otherwise alter or affect AIP's rights or deemed a waiver thereof.

The provisions of this Agreement shall be binding upon my heirs, executors, administrators, or other legal representatives or assigns.

SIGNED: Witness

Date

Employee

Date

D01272

**Background
and Policy:**

1. Temporary Storage: For the time being, and pending further study, no action will be taken against users of SPIN and other AIP databases who copy search results for subsequent editing and reformatting, or who combine results from multi-database searches and store these results electronically for personal use.
2. Multiple Copies: Multiple copying of downloaded data for resale, transfer to another site, or distribution in any form or medium requires prior written approval from AIP.
3. Derivative Databases: Creating a derivative database which eliminates the need for users to return to the online host system for further searching requires a license from AIP. The terms of the license will depend upon the amount of material to be downloaded, the length of time for long-term storage, and the expected amount of reuse of the downloaded data.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/86
 5/97

Procedure:

Requests for access to AIP's SPIN Database or use of its data should be directed to the Director of Product Development or the Director of Information Technology and Products.

D01273

**Background
and Policy:**

Prices for Physics Resources Center services and products are established in harmony with the American Institute of Physics' mission of serving the field of physics. Within this framework different Physics Resources Centers individually arrive at prices for their services and products.

Authority: Approved: Management Committee

Date: 5/97

Procedure:

1. Each Physics Resources Center is responsible for establishing written procedures for the pricing of publications, services and other products (see Appendix A).
2. Prices for new products or services or any changes in the old prices are approved by the Director of Physics Resources Center.
3. Prices for AIP magazines are reviewed by the Magazine Policy Committee, later submitted to the Executive Committee for final approval. (See Appendix B for detailed procedures.)
4. Methods for settling charges, billing and receiving funds need to be approved by the office of the AIP Chief Financial Officer.

D01275

Appendix A

Career Services

Career Services offers subsidized employment services to Member Societies and the physics community, including scientific/technical employers.

Services rendered directly to a member society are priced to cover out-of-pocket costs only. The member societies set their own fees (if any) to their members and to employers using the services. Affiliated societies pay, in addition, AIP personnel and overhead costs.

Publications, such as *Physics is for You* and *Preparing Physicists for Work* (a career workshop book), are priced to cover production costs.

Other services, such as advertisements in *Career Opportunities*, are priced at a rate that is higher than production costs, but below commercial rates, in order to maximize the service.

The Visiting Scientist Program in Physics is subsidized at approximately half the cost.

Career Services prices are reviewed once a year, but actions are not necessarily taken to increase prices each year.

The setting of prices is predicated by the conditions surrounding operations and costs. For example, the operations for each service are reviewed for efficiency and effectiveness, especially with respect to reducing cost. On the other hand, inflationary increases and changes in procedure can also temper the changing costs of services. To understand these processes, outside consultations are made with other professionals familiar with these areas of operations.

Education

Society of Physics Students

The Society of Physics Students offers subsidized membership benefits to students who are interested in physics. Membership benefits include a subscription to *Physics Today*, the *Journal of Undergraduate Research*, and the *SPS Newsletter*. Members are also eligible for Marsh White Awards, Undergraduate Research Awards, International Conference of Physics Students Awards, Lecture Demonstration Award, and the Blake Lilly Award. A stipend is provided to those SPS Chapters willing to host a zone meeting.

Publications available for purchase are the *Physics Outreach Manual*, the *Manual on Undergraduate Research*, and the Physics Career Poster.

Sigma Pi Sigma, the physics honor society, offers its members a lifetime subscription to *Radiations*, the official publication of Sigma Pi Sigma. Insignia items are provided to individuals at the time of induction. Additional insignia items are available for purchase.

All prices are set to cover costs only.

D01276

Appendix A - Continued

Statistical Research Center

The pricing policies of the Statistical Research Center reflect the division's two-pronged mission: research and service. First, the division collects, interprets and disseminates data on the comprehensive issues of education and employment in physics and related sciences. In order to provide accurate and timely information of the broadest possible audience, all of the reports and services that are consistent with the research portion of the division's mission are provided free of charge. Multiple copies of these reports are sold for the incremental printing charges plus handling.

Second, the division collects and interprets data on issues that are of specific concern to AIP units, Member Societies or other groups within the physics and related science communities. In fulfilling the service component of its mission, the pricing levels set by the division depend upon the customer and the amount of effort involved. In the case of collaborations that entail an extensive effort, e.g., carrying out a survey, the division charges AIP units and Member Societies at cost. Other customers and clients are charged at more than straight cost reimbursement. Typically no formal contract is signed, except in the case of subcontracts on grants from federal agencies. However, research goals, timeliness and approximate costs are agreed upon verbally before the projects begin. Finally, the division provides information and consults free of charge if the staff time required is minimal, that is, less than one hour.

Center for History of Physics

The information services of the Center for History of Physics and its Niels Bohr Library are generally offered free of charge to scientists, historians and other scholars as well as to students, journalists and the public.

Distribution of materials such as publications, photocopies of archival documents, and copies of tape recordings are provided on an at-cost basis, aiming to recoup the entire cost including staff time for providing the copy; the cost of creating or gathering the original material is subsidized. For impecunious scholars and educators all costs are sometimes subsidized, for example through a grant-in-aid from the Friends of the Center.

In the Center's largest revenue-generating service, the Emilio Segrè Visual Archives, individual photographs are provided at somewhat below cost, but a publications fee is charged for images used in widely marketed books, CD-ROMs, television documentaries, etc., so that the service overall approximately breaks even -- not including the acquisition and cataloging of new images, which is subsidized. Staff verifies that the charges are realistic through occasional surveys of other providers of similar services, mostly libraries.

D01277

Appendix A - Continued**Media and Government Relations**

In support of the American Institute of Physics' mission of serving the field of physics, the Media and Government Relations Division offers a number of products and services. Most of these products and services are intended for the general public or for science journalists and are provided free of charge.

For a few products and services, the division charges a nominal fee to recoup out-of-pocket expenses.

Physics Success Stories

The *Physics Success Stories* is intended to be used as tools for scientist constituents when they visit Members of Congress or other decision makers. Orders of 25 or under are supplied free of charge. Larger orders are priced to cover the cost of printing.

Physics News

Physics News is distributed, free to over 500 science journalists worldwide. The text is also made available, free to Member Societies. Individual copies are sold for a moderate price plus postage in an effort to cover printing and in-house editorial production costs.

Member Society Newsrooms

Member Societies pay travel costs for Division staff who maintain an on-site newsroom. In addition, the Member Society is billed for all direct costs for newsrooms and any extraordinary costs incurred in advance mailings to reporters before meetings.

D01278

Appendix B

Procedure for Setting Magazine Subscription Prices

Development stage

1. Evaluate sensitivity of subscription sales to price and of ad sales to number of subscriptions, based on historical data, reader surveys, marketing results, and anecdotal information.
2. Meet with Marketing and Advertising to consider special needs, such as special marketing campaigns or the growth in number of particular types of subscribers (for example, libraries or non-U.S. individuals), etc.
3. Propose pricing so as to maximize income consistent with items 1 and 2
4. Notify and consult with AIP Member Societies

Review stage

1. Present pricing proposal to Magazine Publishing Committee.
2. Present pricing proposal to Executive Committee.

Timetable

Development stage

1. Sensitivity evaluation--ongoing
2. Discussions with Marketing and Advertising--March
3. Proposed pricing structure developed by Physics Programs--April
4. Notify and consult with AIP Member Societies - April

Review stage

1. Proposal presented to Magazine Publishing Committee--May
2. Proposal reviewed by Executive Committee--June

The procedure outlined above is predicated on the existence of a Magazine Policy Committee. The composition and function of this committee is outlined in the *Handbook for Member Society Officers*.

D01279

It is AIP's policy to monitor federal science policy developments of interest to the physics community. Developments are analyzed and summaries distributed on a timely basis. The AIP Government and Institutional Relations Office produces printed and electronic public policy educational material. It provides assistance to Member Societies, the Executive Director and Governing Board in support of public policy activities. The office manages the AIP Congressional Science Fellowship Program, and supports AIP's Committee on Public Policy, a Society Liaison Committee.

Authority: Approved: Governing Board Date: 5/86
Management Committee 5/97

1. Monitor federal science legislation and policy. Includes the identification and analysis of legislation and other science policy for Member Societies and the physics community. Entails literature review; attending hearings, meetings, and briefings; and participation in science policy coalitions.
2. Distribute electronically and by US mail *FYI, the American Institute of Physics Bulletin of Science Policy News*. Work with PINET in development of appropriate distribution methods.
3. Produce and update science policy educational material for the physics community. Includes sections in annual AAAS *R&D Report* and *AIP Physics News in 19xx*. Support *Physics Success Stories*.
4. Produce and update as necessary, in cooperation with PINET, the *Physics and Government* component of the AIP home page.
5. Support the public policy activities of the Member Societies. This includes development of printed material, providing information, and coordinating activities as requested. As necessary, implement *Procedures for the Support of Member Society Public Policy Statements and Positions* and *AIP Rapid Response Procedure for Time-Sensitive Policy Matters* (see policies #503.01 and #503.02).
6. Assist Executive Director in development of monthly cover letters to Members of Congress accompanying *Physics Today*.
7. Support public policy activities of the Executive Director and AIP Governing Board as needed.

D01280

8. Administer the AIP Congressional Science Fellowship Program in coordination with The American Physical Society. Support, as requested, a comparable fellowship program of the Optical Society of America and the Materials Research Society.
9. Support the AIP Committee on Public Policy, working closely with the committee chairperson on development of agenda and other committee matters.
10. Work closely with Media and Government Relations Division Manager regarding budgeting and related duties.

D01281

**Background
and Policy:**

AIP will encourage (and facilitate where possible) communications among Member Societies as they develop public policy positions in an effort to gain common ground that could be the basis for a statement on behalf of the entire physics community.

Authority:

Approved: Governing Board
Management Committee

Date: 10/94
5/97

Procedure:

1. AIP should be notified promptly by each Member Society, with full text and supporting materials, whenever that society officially issues a public policy statement or takes a public policy position; and then
2. AIP will notify and provide the statement of policy and supporting materials to all Member Societies, through their governance, Committee on Public Policy (CPP) representatives, and appropriate other Society-designated contacts; and
3. AIP will request each other Member Society to have its governance consider the issue and inform AIP in a timely manner (at least one month before the next AIP Governing Board meeting) (i) of its position with respect to the circulated policy and (ii) whether it recommends any AIP action; and then
4. AIP's CPP will consider the Member Society responses and advise the AIP Governing Board whether to issue a statement in support of the circulated position; and if the AIP Governing Board endorses a supporting position; then AIP will promulgate the position by suitable publicity and supporting information.

D01282

**Background
and Policy:**

Whenever possible, AIP should follow the steps outlined in AIP Procedure for Support of Member Society Public Policy Positions and Statements.

In recognition that there may be occasions when a rapid response is necessary to time-sensitive policy matters, the AIP Governing Board adopted the following procedure:

In the spirit of AIP's UMBRELLA role, the purpose of this procedure is to help AIP Member Societies further their public policy aims and to promote consensus public policy positions that are in the interest of the physics community and society at large. AIP will encourage (and facilitate where possible) communications among Member Societies as they develop public policy positions in an effort to gain common ground that could be the basis for a statement on behalf of the entire physics community.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/95
 5/97

Procedure:

1. Member Societies should designate an individual to serve as the "primary rapid response contact" (drawn from that Society's officers, staff, or members), and provide AIP with that individual's e-mail address, regular address, and voice and fax telephone numbers. Member Societies can provide secondary contacts as well, who will coordinate their societies' positions through the primary rapid response contact. AIP management will supply a complete roster of the primary contacts to the chief executive officer of each Member Society.
2. When an AIP response is indicated to a time-sensitive policy issue of concern to the physics community, AIP's Executive Director will advise the AIP Governing Board, Society Executive Officers, Committee on Public Policy (CPP), and the primary rapid response contacts by providing them with background information and with a copy of what action is being proposed, will provide a draft of the relevant response, and will poll the members of the Governing Board. The AIP Executive Director likewise will inform these individuals if a recommendation is received from a Member Society or from the CPP for an AIP response.
3. Upon agreement of 60% of all members of the Governing Board, and two-thirds of those voting, the AIP Executive Director will respond in an appropriate manner as an AIP response, and not a Member Society's response. Whenever possible, the response will be coordinated with actions taken by Member Societies.
4. AIP will promulgate this action by suitable publicity and supporting information.

D01283

Background

and Policy: AIP's Media and Government Relations handles requests for news releases from within AIP as well as from Member Societies. In the process, procedures specified below are observed.

Authority: Approved: Management Committee Date: 5/97

Procedure:

A. Member Society Requests

1. Member Society requests news release. Request should come from executive officer or person responsible for public information function of that Society.
2. Media and Government Relations staff work with requesting Member Society to gather necessary background information, contact appropriate people, and discuss timing and distribution of release.
3. Procedure outlined on News Release Distribution sheet (Attachment A) is followed, with originating Society having final approval.

B. AIP Requests

1. AIP office requests news release. Request should have approval of Branch Director before release is drafted.
2. Media and Government Relations staff work with AIP office to gather necessary background information, contact appropriate people, and discuss timing and distribution of release.

D01284

Background

and Policy: It is the policy of AIP to send complimentary copies of *Physics Today* to Members of Congress.

Authority:

Approved: Governing Board
Management Committee

Date: 3/75
5/97

D01286

Background

and Policy:

In keeping with the policy authorized by the Executive Committee on 12/85 for the distribution of gratis copies of *Physics Today*, AIP sends complimentary copies of *The Industrial Physicist* to Members of Congress.

Authority:

Approved:

Management Committee

Date: 5/97

D01287

Conference Proceedings Discounts for Members

#602.01

Page # 1 of 1

Background and Policy:

Conference Proceedings are discounted to members, typically at 20%, but sometimes higher.

Authority:

Approved: Executive Committee
Management Committee

Date: 5/85
5/97

D01288

**Background
and Policy:**

Mailing lists maintained by AIP for itself and for the Member Societies can be made available for use consistent with their purposes. Lists will be provided in hard copy (printed) form only and will be released only with the approval of designated appropriate authorities as follows: in the case of an AIP mailing list, upon the approval of the Executive Director or an officer designated by the Executive Director; in the case of a Member Society, upon the recommendation of the Society President, Secretary, or person designated by them.

Authority:

Approved:	Executive Committee	Date:	7/90
	Management Committee		5/97

Procedure:

1. Any elected or appointed officer or manager of AIP or a Member Society may request lists or parts thereof prepared on cards or in strip form pertaining to their responsibilities and authority provided:
 - a) the list will be used only for specific administrative purposes of the unit or its subordinate units; and,
 - b) the designated authorizing person approved.
2. Lists may be assembled on member/non-member, geographical, or technical interest basis (or a combination); lists assembled by AIP on a geographical or a technical basis for outside use must have the written approval of the Society.
3. Society lists may be used freely by that Society for its own purposes as the designated person may authorize.
4. An AIP list may be released to other entities only with the written approval of the Executive Director or his designee. These requests will be honored provided:
 - a) the requesting entity shall have pledged the list will not be copied, and that the use will be for one time only; and,
 - b) a copy of the material to be mailed, or the test for it, be supplied for review for consistency with these guidelines and for approval by the Executive Director or designee for AIP lists or, in the case of Society lists, by the person designated by the Society.
5. Lists requested by outside organizations may be assembled as described in #1 above and a Society list may be released to other entities only with the written approval of the Society President or designated person.

D01289

6. AIP mailing lists can be made available to educational institutions for purposes consistent with the aims of AIP; lists will be released only with the approval of appropriate authorities.
7. If AIP is a co-sponsor of an activity with outside not-for-profit organizations, lists in support of the activity may be obtained by the co-sponsoring activity in accordance with these policy statements.
8. Net income from the mailing lists shall be credited to the owner of the lists, namely AIP in the case of lists maintained by AIP for itself and its units, and the Societies in the case of membership lists of the Societies.
9. When orders for mailing lists which require special programming are approved, programming costs plus any applicable overhead charge will be billed to the purchaser.
10. Rates for the sale of mailing lists and labels shall be established and reviewed by the AIP Executive Committee no less frequently than triennially. Rates shall be established for:
 - a) in-house use for AIP and Member Society purposes;
 - b) use by educational and other not-for-profit organizations; and,
 - c) use for commercial organizations.

Background

and Policy: Prices for the AIP archival journals are established under a two-tier policy – members (individuals) and nonmembers (institutions, libraries). For the journal *Chaos*, an individual nonmember price is established. This price is set slightly higher than the member price, but not as high as the nonmember institutional price.

Authority:

Approved: Management Committee

Date: 5/97

Procedure: Member prices are set to cover slightly more than the incremental cost. Nonmember prices are significantly higher than member prices. In recent years the ratio has averaged about 10 to 1. Prices for the translation journals are set only for nonmembers.

Background

and Policy: The pricing structure for nonmember journal subscriptions is based on a consideration for each individual journal of:

- Price per page
- Total price
- Competition
- Presence or absence of page charges
- Net return
- Circulation base
- Revenue needs of AIP.

Authority:

Approved: Publishing Policy Committee
Management Committee

Date: 5/94
5/97

Procedure: The “revenue needs of AIP” are expressed in the form of a range of suggested percentage price increases, the mean of which is calculated to give the desired return. The range is set by the AIP officers, advised by the Publishing Policy Committee with the approval of the Executive Committee.

Specific price changes, within the approved range, for each journal are recommended by AIP staff, discussed by appropriate policy subcommittees, and eventually proposed by Publishing Policy Committee to Executive Committee for approval.

The list of criteria given above represents an over-constrained system. Not all factors can be addressed simultaneously. The Journal Publisher uses judgement to propose recommended prices, which are then discussed and analyzed within the committee structure.

D01292

**Background
and Policy:**

AIP reviews the issue of page charges on a continuing basis. At present, four of the AIP-owned archival journals have page charges; four do not. In the past, when an author did not accept page charges (agree to pay), publication of his or her article was automatically delayed a minimum of three months. Currently, no such delay is incurred.

Page charges are presented to the Subcommittee on Archival Journals and the Publishing Policy Committee before presentation to the Executive Committee.

Authority:

Reviewed by	Executive Committee	Date:	9/93
Approved:	Management Committee		5/97

Procedure:

The pattern remains as it was in 9/93 (see above). Four AIP journals have voluntary page charges; four do not. The presence or absence of charges, together with their magnitude, forms part of the subscription-pricing discussion (q.v.)

Since mid-1995, three journals (RSI, POP, JAP) have instituted a mandatory fee for papers that exceed a certain length. A fourth journal (JCP) joined this group in 1997. These policies were originally approved by, and are continually monitored by, the Publishing Policy Committee and its Subcommittees.

Reprints

#604.04

Page # 1 of 1

Background

and Policy: AIP no longer offers free reprints to authors who honor (agree to pay) page charges. Reprints are priced to make a modest profit.

Authority:

Reviewed by	Executive Committee	Date:	9/93
Approved:	Management Committee		5/97

Procedure: The system is programmed to give a price to all reprint orders. Journals that still offer free reprints automatically appear as "free reprints".

If the customer indicates that they expect free reprints for a journal that does not offer free reprints, that person is notified (via fax, e-mail, or postal mail) that reprints are not free and we require either a signature or a purchase order for the reprint cost.

D01294

Background

and Policy: Advertising services for Member Societies are charged at 25% of advertising sales revenue received plus all costs associated with production, printing, and mailing. Advertising services for Associate and Affiliated Societies are charged at 27.75% of total sales revenue plus all costs associated with production, printing, and mailing.

Authority:

Reviewed by	Executive Committee	Date:	9/93
Approved:	Management Committee		5/97

Procedure: The Advertising Division solicits advertising via direct promotion, telephone and personal calls. Orders are entered into the Datatrax billing system, invoices are generated and mailed, and monies collected by AIP. The Accounting Department monitors billing and revenue and allocates the appropriate monies to the Advertising Division and the client/Member Society, respectively.

For Member Society publications, advertising related production, printing and mailing costs are allocated by the Accounting Department, and the Treasurer's office issues statements to the Societies reflecting advertising related revenues and expenses.

D01295

Background

and Policy: AIP charges Member Societies an exhibit management fee roughly equivalent to 20 - 25% of the Society's net revenue for exhibit rental space. (30% for nonmember Societies.)

Authority:

Approved: Management Committee

Date: 5/97

Procedure: The Division Manager compiles a revenue and expense budget for each show which is approved by the Member Society/client. Exhibitors are then solicited for the show, contracts are collected and entered into the Datatrax billing system. Invoices are generated and mailed, monies collected, and upon completion of each show, the Division Manager submits the budget to the AIP Treasurer's office and works directly with the Assistant Treasurer to finalize a Settlement Statement. Revenue is reported to Accounting via the Datatrax billing statements from Financial Services, and expenses via the Purchase Orders and Job Order charges recorded and reported by Facility Services.

D01296

**Background
and Policy:**

I. Standard Marketing and Distribution Services

AIP's Marketing Division routinely promotes journals of AIP Member Societies by (1) displaying Society periodicals at all library conferences and select scientific conferences where AIP exhibits; (2) producing an annual AIP and Member Society Journal Catalog as a single-source reference; (3) including Society journal data in all institutional and member price lists; (4) conveying price changes, title changes, new publication announcements, back-issue availability and other information to subscription agencies and other information providers; and (5) providing customer service to libraries and individuals inquiring about Society journal prices, frequencies, distribution, content, and related information.

II. On-Demand Marketing Services

At the request of Member and Affiliated Societies and other scientific publishers, AIP's Marketing Division provides customized marketing services including consulting, project management, market research, creative services (copy, design, prepress file or film production), media planning, advertising, direct mail, and telemarketing. In each such case, marketing staff will review client needs and provide a proposal and budget for client approval for the services required. Compensation arrangements will vary depending on the type and the scope of the individual project.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

AIP's Director of Marketing discusses customized marketing services with relevant Society officers or staff and prepares a written marketing plan and budget. Such plans must be approved by the Society. Fees are negotiated depending on the scale of the project and are billed upon completion, as spelled out in the plan. Each plan is implemented under Marketing or client supervision by the Marketing Services group, utilizing appropriate staff, freelancers, and vendors.

D01297

**Background
and Policy:**

Publishing services which AIP provides from its own operations are charged according to an agreed-upon schedule of prices. In any given year no adjustment to these prices is made unless AIP experiences a significant additional increase from the amount of business on which the prices were based. Such a change would lower the cost of services for all users. The major AIP service of this type is journal production (composition, illustrations and editorial mechanics for journal pages).

For services which are performed by outside vendors with whom AIP has contracted, Member Societies are charged the actual cost that AIP pays on their behalf. The primary types of expenses in this group are printing and distribution services.

Authority:

Approved: Management Committee

Date: 5/97

D01298

**Background
and Policy:**

All established scholarly journals of original research published by the American Institute of Physics should be self-supporting when averaged over a three-year period. If any journal is not self-supporting, this fact should be brought to the attention of the Governing Board.

Authority:

Approved: Governing Board
 Management Committee

Date: 11/80
 5/97

D01299

**Background
and Policy:**

A major mission of the Institute is the serving of the physics community through cost-effective publishing of high quality, scientifically important journals. It is appropriate for the Institute to consider the establishment of new journals (herein taken to include both archival and translation journals) from time to time; they may be either AIP-owned journals or journals undertaken jointly with Member Societies. Management, the Publishing Policy Committee, and the Journals Subcommittee are encouraged to be alert for opportunities.

Authority:

Approved: Executive Committee
 Management Committee

Date: 6/91
 5/97

Procedure:

Conditions which may prompt such consideration include:

- Proposals from Member Societies for the establishment of a new AIP-owned journal or a jointly owned journal.
- A need in the physics community or a related community that can be best filled by new journal.
- A need to respond to the market.
- A need to improve the financial position or market position of the Institute.
- A need to redefine the coverage of a current journal, resulting in a need for a new journal.

Any new-journal proposal that is intended for wider consideration than initial discussions by the Subcommittee on Journals should include a demonstration of the need for the journal and an indication of how the proposed journal will meet that need. Topics to be addressed should include:

INITIAL CONSIDERATIONS

- Enabling the publication of important scientific work that otherwise would have difficulty being appropriately published or made available to a larger readership.
- The need for a vehicle for assembling a new and useful collection of scientific material.
- The relationship of the proposed journal to the existing Institute and Member Society journals.
- The relationship of the proposed journal to current and expected trends in scientific work.
- Possible interest of Member Societies in collaboration with the Institute on the proposed new journal.

MARKETING AND FINANCIAL PLAN

The financial plan should include the following topics.

- Prediction of the break-even time and of the time at which total cost recovery will occur (including lost income due to diversion of investment) and the basis for these predictions.

D01300

- Analysis of the journals, either existing or known to be forthcoming that provide direct or overlapping competition.

D01301

- An analysis of the short- and long-term health of the parent journal, if the proposed journal involves dividing the coverage of a current AIP journal.
- Consideration of the possibility of, and the effects of, non-traditional delivery systems on the proposed journal.
- Consideration of any useful case studies of similar journals.
- A study of proposed pricing, its basis, and its expected effect on marketing.
- A study of probable acceptance by libraries.
- A confidential list of strong candidates, well connected in the field, for the editorship.
- A discussion of the strength of the need for the journal, as expressed by the scientists in the field, as compared to the need as expressed by AIP advisory bodies and staff members.

PUBLISHING PLAN

The publishing plan should include:

- The proposed frequency of the new journal and its rationale.
- The basis for predicting that there will be sufficient papers for the first several issues, pending the buildup of awareness of the new publication to develop.

PROCEDURES

As early in the consideration of a new journal by AIP and management is practical, the Publishing Policy Committee and the Journals Subcommittee should be apprised of the pending proposal. If meetings of these bodies will not occur early during such consideration, the chairs of the committees should be informed.

A Task Force made up of members of Member Societies who have relevant technical expertise should be convened to consider the proposal.

Regular progress reports should be made to the Journals Subcommittee at its meetings that occur during the time of consideration, and by mail as requested.

A presentation of the proposal, including the publishing, editorial, marketing, and the financial plans is normally made to the Journals Subcommittee before consideration is given by the Publishing Policy Committee.

A schedule of reports to the same committees should be established for the start-up period of any new journal that is approved.

A comprehensive review of the journal should be performed after three years to identify any problems and make recommendations for improvement or termination of the journal.

D01302

**Background
and Policy:**

In the implementation of the Institute's purpose of aiding its Member Societies in the publication of scientific journals, it is AIP policy, whenever it appears desirable for the advancement of physics, to assist Member Societies in the publication of their journals, to assume full responsibility for such physics journals as Member Societies request the Institute to sponsor, and to initiate new physics journals which the individual member Societies do not undertake.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/57
 5/97

Procedure:

Journal production services are available to all Member and Affiliated societies, with fulfillment and Accounting services as requested . Informal advice on general publishing procedures and practices is freely offered when requested. The Institute currently assumes full responsibility for eight archival journals. Regarding new publications, any proposal for a new AIP - sponsored publication is openly discussed at policy committee meetings with a view to ascertaining the degree of Society approval.

D01303

**Background
and Policy:**

AIP shall make available funds generated by AIP-owned journals and publications to support AIP educational programs operated for public good and in the best interests of the physics community.

Authority:

Approved: Governing Board
 Management Committee

Date: 10/86
 5/97

D01304

**Background
and Policy:**

AIP Press, the imprint for the AIP book-publishing program, was sold, along with the AIP Press Books, to Springer-Verlag in May 1997. These books will now be published by Springer-Verlag. Future books, upon approval of AIP, will be published under the joint imprint of AIP/Springer, with Springer-Verlag as the official publisher. Conference Proceedings will remain with the AIP.

AIP began publishing conference proceedings in 1970 and published only proceedings until the mid-80's. In the early days of proceeding publishing, AIP viewed the program as a service function and treated it as an offshoot of its journal publishing program. Later, in the mid-80's, a separate book division was formed, and an effort was undertaken to publish books other than proceedings. Most of the books published in these years were reprint volumes and monographs. While several of the books published during AIP's initial efforts were successful in terms of scientific quality, by 1990 it became evident that, in order to create a coherent list of high quality scientific and technical books at AIP, a more focused effort and a more traditional book publishing staff organization were necessary. To that end, AIP created the position of Publisher in 1991 and a professional marketing structure and staff were established together with the adoption of the AIP Press imprint in 1993. Since that time AIP recognized that the AIP Press would be better served by a larger publisher who could reach wider distribution channels. To this end, the AIP Press was sold in May 1997. All pricing policies are set by Springer-Verlag, as they are the official publisher. Conference Proceedings remained with the AIP.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/93 , 3/97
 5/97

D01305

**Background
and Policy:**

The Executive Director is authorized to appoint new editors for AIP journals as needed after consultation with the Publishing Policy Committee and a search committee, where applicable.

Authority:

Approved:	Governing Board	Date:	3/78
	Executive Committee		10/80
	Management Committee		5/97

Procedure:

The Publishing Policy Committee and its Subcommittees are informed of impending editors retirements as soon as possible, and committee members' input is sought to assist in the appointment of a search committee in each case. With advice from the committee members and from AIP staff, the Executive Director appoints a Search Committee which in turn recommends a short list of suitable candidates. Appointment of the new Editor by the Executive Director then follows.

D01306

Background

and Policy: Editors for AIP-owned journals are appointed for renewable five-year terms, with a search committee to be appointed one year prior to the end of the term.

Authority:

Approved: Executive Committee
Management Committee

Date: 10/86
5/97

Procedure: When finding a new Editor, a diverse group of highly respected scientists is assembled for the search committee. AIP then confers and negotiates with individuals nominated by the committee. Following appointment, Editors are requested to give one year advance notice whenever possible if they will be stepping down.

D01307

Background

and Policy: It has been the practice of AIP **not** to impose page limits on the editors of the journals, but rather to publish expeditiously all articles that meet standards and are accepted.

Authority:

Approved:	Reviewed by Executive Committee	Date: 9/93
	Management Committee	5/97

Procedure: Considerations of fairness and consistency in the handling of submitted papers is given highest priority on matters concerning the number of articles or pages published. However, on a regular basis consideration is made as to the effects of revising acceptance criteria. This can impact on the number of pages published, and along with a possible increase in stature associated with a rise in article quality, can benefit the health of the journal.

D01308

**Background
and Policy:**

All AIP archival journals publish only peer-reviewed papers, usually with one referee per manuscript.

Authority:

Approved:	Reviewed by Executive Committee	Date: 9/93
	Management Committee	5/97

Procedure:

Each journal editorial office maintains a database of active researchers covering the full scope of the journal, with these persons called on periodically to review manuscripts. The editors serve as intermediaries for communicating the referees' reports to the authors, with the identity of the referee kept confidential. Although the advice of referees is duly considered, the final disposition of each manuscript is in the hands of the editor.

**Background
and Policy:**

Each of the archival journals is reviewed by an outside committee on a rotating basis, approximately every five years. Journals of the AIP Translation Program are subject to rotating review as well, but these reviews have not examined editorial practices.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:

Each review committee is assembled with the goal of representing the full range of fields within the scope of the journal. Members of AIP Member Societies are consulted and/or included on the committee when feasible. All aspects of the status and operations of the journal are considered subject to review, with a final detailed report and recommendations submitted to the Executive Director of AIP. Whenever possible, the recommendations of the committee are then implemented by AIP staff and/or journal editors.

D01310

Background

and Policy:

It is the policy of AIP to protect by copyright the proprietary interests of all parties (authors, Societies, and/or AIP) in publications. In most cases, this protection will require a transfer of copyright from authors to Societies to AIP. The Executive Director is hereby authorized to enter into the Engagement and Security Agreement; said agreement relating to protection of copyright on publications, abstracts, and data bases.

Authority:

Approved: Governing Board
 Management Committee

Date: 3/87
 5/97

Procedure:

For all AIP and Member Society journals, the Editorial Office sends a copyright form to the author upon submission of an article. The signed copyright form is sent back to the Editor and attached to the accepted manuscript, which is forwarded to AIP for publication. If the copyright form is not attached, the AIP production staff sends a form to the author. All articles must have a proper copyright form on file in order to be placed into an issue. Copyright forms are saved indefinitely.

For several of the Member Society journals, AIP does not receive the copyright form. It is the responsibility of the Editor's office to ensure that all published articles have a copyright form on file.

If an article is authored by US Government employees, the copyright cannot be transferred to AIP. The author must check the appropriate box on the copyright form. In these cases, the AIP copyright notation and the CCC code on the first page of the published article are omitted.

D01311

**Background
and Policy:**

The AIP Rights and Permissions Office handles requests for permission by other publishers to republish AIP articles in collections with non-AIP articles, or to use portions of books or articles in a new book. AIP charges a per page fee for republication rights. Permission is granted gratis to individual authors for use of tables and figures from AIP publications.

Authority:

Approved: Management Committee

Date: 5/97

Procedure:**A. Requests by other publishers to republish AIP material****1. AIP Articles or Proceedings Papers**

- A. Republication in a book (as a collection of articles on a given subject), for resale. AIP charges \$15/page for material published 1980- and \$5/page for material published prior to 1980. In cases where the number of a publisher's articles constitutes 50% or more of the republished book, an additional royalty arrangement is sometimes required.
- B. Republication in a scholarly journal, in English or in a non-English language. AIP fees are the same as in A.
- C. Republication in an in-house publication for internal distribution; not for resale. Discretion can be applied, with charge waived, depending on the type of material and the intended use.

2. Books

Republication of an AIP book requires a contractual agreement. Republication of a segment of an AIP book, in a book is negotiated on an individual basis. Republication of a segment of an AIP book in a journal article is treated on an individual basis.

B. Requests by AIP Member Societies to republish AIP Materials

Permission is granted without charge.

D01312

C. Classroom Use of AIP Materials

1. Distribution of individual AIP articles to a class. No fees are charged for copies made from a journal in a library or copying shop, provided the copies are not sold or combined with other publishers' materials; such copying is permitted under the copyright rules, and is stated in each journal.
2. Combined in collections with other materials. Classroom packs of articles from various publishers are prepared by copy shops (as ordered by teachers) for sale to students. AIP has an agreement with the Copyright Clearance Center (CCC) for the collection of per page royalty charges. The AIP charge is 20 cents/page/copy if the article is combined into a collection.

D. Permission granted without charge

The following types of requests are granted without charge:

- requests from AIP Member Societies
- publication is not for resale
- in-house publications or newsletters
- figures and tables from articles or book

E. Permission not needed

- requests from author's institution
- request by author for anthology of author's papers
- contents page may be copied

Procedure: A signed "Transfer of Copyright Agreement" must be received by the Editor's office before the manuscript can be accepted for publication (not to be sent to AIP).

Exhibit: Transfer of Copyright Agreement (attached)

D01313

AMERICAN INSTITUTE OF PHYSICS
500 Sunnyside Boulevard
Woodbury, NY 11797-2999

Under United States copyright law, a transfer of copyright from the author(s) must be explicitly stated in writing to enable the publisher to disseminate the work to the fullest extent. The following transfer agreement must be completed, signed and returned to the Editor's office before the manuscript can be accepted for publication. Further information is available from the Office of Rights and Permissions, American Institute of Physics (AIP), 500 Sunnyside Boulevard, Woodbury, NY 11797-2999; Tel: 516-576-2268; Fax: 516-576-2499; Internet: rights@aip.org.

TRANSFER OF COPYRIGHT AGREEMENT

Copyright in the unpublished and original article, including the abstract forming part thereof, entitled _____

Title of Article

(the "Article"), submitted by the following author(s) (the "Author(s)") _____

Names of all Authors

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Name of Journal

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Name (print)

Date

Signature

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See page 2 (over) for rights granted by AIP to authors. 10/95

D01314

AIP hereby grants to the Author(s) a non exclusive license to do the following:

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Please sign the applicable portion of the form and return it promptly to the Editor's office. We cannot begin the production process until this signed form has been received. Please help us to expedite the publication of your paper with your immediate response.

D01315

Background

and Policy: AIP shall receive compensation for the republication of its abstracts in any medium. Management is to carry out this policy by negotiating with users of these abstracts on terms consistent with existing contracts and policies, and to investigate the feasibility of entering into litigation where necessary to accomplish these goals.

Authority:

Approved: Governing Board	Date: 3/86
Management Committee	5/97

Procedure: AIP receives compensation for any display or republication of its abstracts and other Intellectual property. All AIP abstracts are marked © American Institute of Physics (abstracts in member society journals are similarly marked in the name of the member society) and are protected under United States and international copyright law. In all business relationships allowing the use of AIP abstracts, AIP is compensated either by direct payment, a resale royalty, or an exchange in kind. All such licenses require our business partners to take reasonable and customary steps to ensure that the copyright to our abstracts is respected and provide us with reports of their authorized use. Any violations of copyright are pursued enforced under the copyright laws of the appropriate jurisdiction. AIP is especially careful to maintain control of its intellectual property in countries with relaxed laws or enforcement of copyright protection.

D01316

**Background
and Policy:**

The Committee on Publishing Policy is charged with maintaining an overview of all of the Institute's publishing activities. It is responsible for providing advice and recommendations to the Governing Board that will ensure that the overall publications program and its diverse components are responsive to the needs of the physics community and others as appropriate and that the Institute is anticipating and preparing for economic and technological change and changes in the needs of the user community. The Committee also serves as a sounding board for the AIP staff. The purview of this committee extends both to the publications of the Institute and to the publishing services provided by the Institute for the Member Societies and other organizations and to publishing services provided for other components of the Institute.

In the financial area, the committee reviews the budgets and plans for all aspects of the AIP publishing program and recommends actions that will ensure a financially sound program that will continue to meet the net revenue goals set by the Institute. The committee is specifically charged with reviewing the pricing of all AIP publications and publishing services and making recommendations to the Executive Committee with respect to changes in prices and policies.

Editors, not the Committee on Publishing Policy, are responsible for the substance of the publications of the Institute and for ensuring that the quality of accepted materials meets the standards of the Institute. The committee is, however, charged with maintaining an overview of the quality of all publications, including content, production, timeliness, and any other factors that it may consider important in the perception of the user. The committee should make regular reports to the Governing board on the quality and cost effectiveness of AIP publications in comparison with those of Member Societies, competing scientific societies, and other organizations that publish comparable materials.

The committee should develop a long range vision for the AIP publishing program that serves both as a guide for both operations and policy. This vision should be reviewed and presented to the Governing Board for adoption at not less than 3-year intervals.

The Committee on Publishing Policy may delegate to approved subcommittees any portion of its duties, consistent with the charge.

Authority:

Approved: Governing Board
Management Committee

Date: 4/93
5/97

D01317

Procedure:

- advises on publishing, as opposed to editorial matters, for AIP journals including financial considerations in publishing, development and implementation of modes of composition, new journal enterprises, AIP-Society interactions involving AIP publications, and interactions with other publication user communities on matters such as copyright usage
- advises management; reports to Governing Board
- 9 elected members, 3-year terms + (ex officio) chairs of subcommittees + (observer) chair of Journal Editors Panel

**Background
and Policy:****Scope Statement**

The Subcommittee maintains an overview of AIP's archival journals, its translation journal program, and its conference proceedings program.

- For the archival journals, it reviews and makes recommendations concerning journal quality and timeliness, scope, papers received and pages published, subscriptions, and pricing. For the translation journals, it advises the Publishing Policy Committee on the scientific content and translation quality of the journals, and the demand for them; AIP's collaboration with Member Societies and other organizations on translation journals; and on ways to strengthen the journals. The Subcommittee formulates plans for periodic reviews of individual journals by outside panels, and, in the case of the archival journals, recommends to the CEO and the AIP Governing Board, persons to serve on search committees for new editors.
- For AIP's Conference Proceedings Program, it reviews budgets and plans, recommending actions to ensure a sound program, and assists AIP management in the preparation of long-range goals.
- The Subcommittee periodically reviews journal and conference proceedings economics with AIP staff, including cost comparisons with other publishers. It also reviews changes in the physics community and other factors that may affect the success of the serials. The Subcommittee makes recommendations concerning the spectrum of AIP's serial publications and their complementarity with publications of Member Societies. It suggests new journals or conference proceedings and the termination or the modification in scope of existing ones.
- The Subcommittee recommends plans to meet the challenges of new technologies for the preparation and transmission of serials' articles, in cooperation with the Subcommittee on Publishing Services. It also coordinates with the Database and Online Services Subcommittee regarding data and data structures associated with articles that impact upon electronic publishing.
- The Subcommittee reviews the practices regarding copyright for AIP's serial publications, especially the impact of electronic publishing on copyright.

Authority:

Approved: Publishing Policy Committee
Management Committee

Date: 5/93, 4/97
5/97

D01319

Procedure:

- advises on and maintains an overview of AIP's archival journals, its translation journal program, and its conference proceedings program
- advises management; reports to Publishing Policy Committee
- 6 elected members, 3-year terms

D01320

**Background
and Policy: Scope**

The Subcommittee on Publishing Services is charged with maintaining an overview of the Institute's umbrella of publishing services that are provided to its Member and Affiliate Societies as well as to the scientific community at large. Publishing services encompass, but are not limited to, the preparation and delivery of scientific and engineering information produced in printed, electronic and other formats for Member Societies and other organizations.

The Subcommittee is responsible for providing advice and recommendations to the Governing Board through the Committee on Publishing Policy. These should include long-term goals. The Subcommittee also acts as a 'sounding board' by providing guidance and direction to AIP staff, primarily through the Director of Publishing Services who serves as the liaison. Members of the Subcommittee are representatives designated by Member Societies that use AIP's publishing services, with the goal to ensure the best quality at competitive costs. To accomplish this goal in today's market, it is recognized that the customer base should include affiliated and/or commercial organizations, provided the latter will not exceed 25% of the total page volume produced by AIP's publishing services. Suggestions on how to expand the customer base, including new services and types of outside organizations, shall also be part of the responsibility of the Subcommittee.

Reports should include long term goals along with measures of the present quality, timeliness and cost-effectiveness of AIP's publishing services. Typical measures are satisfaction of the Member Societies, and costs and services offered by competing publishing services providers. Improving these measures will ensure that the Institute will continue to provide the highest quality publishing services to Member Societies at competitive prices in this evolving period of electronic publishing.

(Revised by Subcommittee on Publishing Services 4/24/97)

Authority:

Approved: Publishing Policy Committee

Date: 4/97

Procedure:

- monitors and provides advice on AIP publishing services provided to Member Societies
- a Member Society Liaison Committee
- members are designated by Member Societies using AIP publishing services

D01321

**Background
and Policy: Charge**

The Subcommittee is responsible for providing oversight of database and electronic products and services that facilitate communication, research and education in the physics and astronomy communities. The Subcommittee identifies user needs and requirements and suggests to the Publishing Policy Committee policies, products, and techniques for meeting their needs in accord with the overall goal and standards of the AIP publishing program.

The Subcommittee provides guidance to editors, other AIP volunteers, and staff on database services, presentation, retrieval systems, distribution, software and user support. It advises on appropriate distribution mechanisms for AIP database products and electronic presentation of existing printed data.

The Subcommittee also reviews the financial performance of the services under its purview, suggests actions for improving the financial health of these programs and provides advice to the Publishing Policy Committee on pricing strategies and rates.

The Subcommittee acts as a clearing house for information from and to the Institute and the Member Societies. It also coordinates with Member Societies for joint product development and for the development, selection, and promulgation of relevant standards.

Authority:

Approved: Publishing Policy Committee
Management Committee

Date: 5/93
5/97

Procedure:

- provides oversight of database and online products and services in all media
- advises management; reports to Publishing Policy Committee
- 6 elected members, 3-year terms

D01322

Background

and Policy: Charge

To provide the physics community and AIP with classification methods for physics and astronomy literature useful for indexing and for retrieval/search purposes.

Authority:

Approved: Publishing Policy Committee
Management Committee

Date: 5/93
5/97

Procedure:

- advises on indexing and classification methods appropriate to the retrieval of information from the physics and astronomy research literature
- advises management; reports to Subcommittee on Database and Online Services
- 6 elected members, 3-year terms

Background

and Policy: The AIP Publication Board is an advisory committee on publication standards, style, procedures, etc. Board members are editors of archival publications published by or through AIP, with editors of other Member Society archival publications considered as regular participants. The Board meets annually as required by the Memorandum of Agreement.

Authority:

Approved: Governing Board
Management Committee

Date: 10/67 and 3/68; effective 1/69
5/97

Procedure:

In all details of publications not specifically covered in the Memorandum of Agreement, the procedures shall conform to those established by a Publication Board composed of the Editor of the journal, the editor of every other journal published by the Institute for either its member Societies or itself, and such officers of the Institute, not over three in number, as are annually designated by the Institute. A Chair and a Secretary shall be elected annually by the Publication board. The Institute is authorized to put into effect any procedures established by this Board with respect to the journal and shall report them to the Secretary of the Society. In case objection is raised by the Society to any such procedure, this procedure shall be referred by the Institute to the Publication Board for reconsideration.

D01324

**Background
and Policy:** **Charge**

The AIP Journal Editors' Panel develops and expresses the common interests and concerns of AIP journal editors. It advises the Publishing Policy Committee and management. All AIP Journal Editors serve ex officio.

Authority:

Approved: Management Committee Date: 5/97

Procedure: The Editors' Panel is convened once each year to allow discussions among the Editors and with AIP officers and staff. The chairs of the Editors' Panel and the Subcommittee on Serials, also sit as guests to the other's committee; this provides a mechanism for communication between the Editor's Panel and the Publishing Policy Committee.

D01325